



W.A.No.866 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.12.2023

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

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1. The General Manager  
Business Network Planning (Retail)  
Bharat Petroleum Corporation Limited  
Regional Office, Ranganathan Garden  
1<sup>st</sup> Main Road, Post Box No.1212S1213  
Anna Nagar, Chennai 600 040.
  2. The Territory Manager (Retail)  
Coimbatore Territory Officer  
BPCL Irugur Top Installation, Ravathur PO  
Irugur Via, Coimbatore 641 103.
- Vs.
- P.Soundarya .. Appellants
- .. Respondent

Prayer: Appeal filed under Clause 15 of the Letters Patent against the order dated 08.02.2023 made in W.P.No.3641 of 2023.

For the Appellants : Mr.M.Vijayan  
For M/s. King and Patridge

For the Respondent : Mr.Srinath Sridevan, SC  
For Mr.S.Mohameduduman



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**JUDGMENT**  
(Delivered by the Hon'ble Chief Justice)

We have heard Mr.M.Vijayan, learned counsel for the appellant and Mr.Srinath Sridevan, learned Senior Counsel for Mr.S.Mohameduduman, learned counsel for the respondent.

2. The present respondent filed a writ petition bearing No.3641 of 2023 seeking direction against the appellants to treat the application of the respondent for retail outlet dealership under Group 1. The learned Single Judge allowed the writ petition. Aggrieved thereby, the present appeal.

3. Learned counsel for the appellants submits that the respondent, on her own volition, categorised herself in the application as Group-2 applicant. The appellants relied upon the representation made by the candidates in their application and categorised them accordingly. As per the categorisation, further selection process is undertaken, such as field verification, to



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determine the suitability of the land and verification of documents.

The learned Single Judge did not appreciate the said aspect and has directed the present appellants to consider the respondent under Group-1.

4. Learned Senior Counsel for the respondent/original writ petitioner submits that the learned Single Judge has rightly considered the fact that the respondent is eligible to be considered under Group-1.

5. We have considered the submissions.

6. We have gone through the order passed by the learned Single Judge.

7. The respondent earlier filed a writ petition bearing No.13355 of 2021. The same was disposed of by observing that if S.Rasan is found to be ineligible, the appellants are directed to



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consider the application under Group-2 (eligible candidate under Group-1) and pass appropriate orders.

8. It appears that the respondent committed a mistake while representing the application that she belongs to Group-2. The applications were invited for retail outlet dealership. The said retail outlet was for the candidates from SC category. The categorisation is made by the present appellants. In case the applicants have a suitable piece of land in the advertised location/area either by way of ownership/long term lease for a period of minimum 19 years 11 months, such candidates are categorised under Group-1 and the applicants having firm offer for a suitable piece of land for purchase or long term lease for a period of minimum 19 years 11 months are categorised under Group-2.

9. The respondent, in her application, had erroneously stated herself under Group-2, though she possesses the registered lease deed for a period of 19 years and 11 months. If a candidate



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possesses a registered instrument of lease for minimum 19 years and 11 months, then such candidate has to be considered under Group-1. Factually, the respondent can be considered under Group-1. However, because of the mistake committed by her in her application form, she was considered under Group-2. The learned Single Judge has exercised his discretion in directing the appellants to consider the respondent under Group-1. Such discretion is reasonable, as the respondent, on the date of application, is in possession of registered lease deed for a period of 19 years and 11 months.

10. In view of the above, the writ appeal stands disposed of. There will be no order as to costs. Consequently, C.M.P.Nos.18490 and 8743 of 2023 are closed.

(S.V.G., CJ.)

(D.B.C., J.)  
14.12.2023

Index : Yes/No  
Neutral Citation : Yes/No

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THE HON'BLE CHIEF JUSTICE  
AND  
D.BHARATHA CHAKRAVARTHY, J.

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