



WEB COPY



W.P.No.17594 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2023

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

WP No.17594 of 2023
and
WMP. No.16683 of 2023

A. Sundarapandian

... Petitioner

vs.

1. Indian Oil Corporation Ltd.,
Rep. by the Executive Director and
State Head in Tamil Nadu
No.139, Indian Oil Bhavan,
Nungambakkam High Road,
Nungambakkam,
Chennai – 600 034.

2. The Divisional Manager,
(Marketing Division),
Salem Divisional Office,
No.234, 1st Floor, NH-7,
Salem – Bangalore Bypass Road,
Kondalampatti,
Salem – 636 010.

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents herein to relocate the two 20 kilo litre storage tanks at the land offered by the petitioner at S.F. No.150/2B1 at Kabilakurichi Village, Kabilarmalai



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Panchayat Union, Paramathivelur Taluk, Namakkal District and to commission the dealership of the petitioner for the Retail Outlet of the Respondent Corporation in the aforesaid location.

For Petitioner : Mr. M.Ravi
For Respondents : Mr.Mohd. Fayaz Ali

ORDER

By consent of both parties, this Writ Petition is taken up for final disposal at the admission stage itself.

2. Mr.Mohammed Fayaz Ali, learned Standing Counsel accepts notice for the respondents.

3. This writ petition has been filed for a direction to the respondents herein to relocate the two 20 kilo litre storage tanks at the land offered by the petitioner at S.F. No.150/2B1 at Kabilakurichi Village, Kabilarmalai Panchayat Union, Paramathivelur Taluk, Namakkal District and to commission the dealership of the petitioner for the Retail Outlet of the Respondent Corporation in the aforesaid location.

4. It is averred in the affidavit filed in support of this writ petition that the petitioner was selected by way of drawal of lots and got appointed as Retail Outlet Dealer under Group II category at Kabilarmalai location, Namakkal District vide email of the respondent/Corporation, dated 09.11.2019. Thereafter, on 18.11.2019,



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he submitted all the requisite documents and also paid the necessary charges to the respondent/Corporation. Subsequently, field inspection was conducted by the respondent/Corporation and based on the application dated 05.06.2020, submitted by the said Corporation, the concerned revenue official has issued “No Objection Certificate” and on 07.09.2022, the balance amount of Rs.1,80,000/- was paid by the petitioner to the respondent /Corporation. While so, all of a sudden on 23.03.2023, i.e., after completion of three years from the date of issuance of Letter of Intent in favour of the petitioner, the respondent / Corporation shifted the storage tanks, which were earlier provided by the respondent / Corporation to his site. In such a situation, he has no other remedy, except to approach this Court by filing this writ petition.

5. Learned counsel for the petitioner submitted that the petitioner was awarded Retail Outlet Dealership – Group 2 at Kabilar Malai Location at Namakkal District by the respondent /Corporation and issued Letter of Intent to that effect on 05.06.2020. Subsequently on 13.01.2023, they have delivered storage tank at the petitioner's site and after a passage of years i.e. on 23.03.2023, the storage tanks were shifted away from petitioner's site, without assigning any reasons or without



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serving any notice. Further, he submitted that the petitioner has invested a huge amount of money for obtaining the outlet and he will be put to irreparable loss and severe mental agony, if the aforesaid storage tanks are not re-located at his site as well for commissioning. Hence, it would suffice, if this Court issues an appropriate directions to the respondent / Corporation to consider the petitioner's representation, dated 10.05.2023, within a time frame to be fixed by this Court.

6. Learned Standing counsel for the respondent / Corporation submits that so far no decision has been taken by the respondent / Corporation for terminating the petitioner's contract. However, he stated that the petitioner has to initiate necessary steps for early commissioning of the said project and if that be so, the respondent/Corporation would consider the petitioner's representation. In view of the above, he has no objection for issuance of necessary directions from this Court.

7. Heard, the learned counsel on both sides and perused the materials placed on record.

8. Admittedly, the petitioner has applied for Retail Outlet Dealership Group 2 in Kabilar Malai Location at Namakkal District and he has been awarded such a Dealership and Letter of Intent to that effect



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was issued by the respondent /Corporation on 05.06.2020. It is not in dispute that on such awarding, the petitioner has paid all the requisite fee / charges to the respondent / Corporation. Further, it reveals that after making necessary payments as well as submission of documents by the petitioner, the respondent/Corporation have erected two 20 KL storage tanks at the petitioner's site and the petitioner is in the process of commissioning such Dealership. A perusal further reveals that all of a sudden, the respondent / Corporation have shifted the said storage tanks from the petitioner's site.

9. In the aforesaid circumstances of the case, this Court without going into the merits of the case, directs the petitioner to approach the respondent / Corporation along with a copy of this order and the respondent / Corporation shall consider his representation and pass orders on merits and in accordance with law, as expeditiously as possible. No costs. Consequently, connected miscellaneous petition is closed.

14.06.2023

Internet : Yes/No

Index: Yes/No



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Speaking order/Non-speaking order
vsi2

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M.DHANDAPANI, J.

vsi2

To

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State Head in Tamil Nadu
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