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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.02.2023

CORAM

THE HON'BLE Mr. JUSTICE **C.V.KARTHIKEYAN**

W.P.No.24497 of 2021

P.Gnanavel

.. Petitioner

Vs.

1.The Senior Area Manager,
Indian Oil Corporation Ltd.,
Indane Area Office,
No.8 / 1079, Avinashi Road,
Coimbatore – 641 108.

2.Union of India,
Represented by its Secretary,
Ministry of Petroleum and Natural Gas,
Shastribhawan,
New Delhi.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned proceedings of the 1st respondent vide reference CBE:AO:IMP:2013-14:CBE/KVP/2 dated 12.08.2021 by the 1st respondent and quash the same and direct the respondent to process the award of the distributorship to the petitioner as per the proceeding CBE-AO-IMP 2013-14:FCV dated 01.03.2014 to issue the letter of intent to the petitioner.



For Petitioner

.. Mr.V.Manohar

For R1

.. Mr.Mohammed Fayaz Ali,

Standing Counsel

For R2

.. V.Ashok Kumar,

Standing Counsel

ORDER

This Writ Petition has been filed in the nature of a Certiorarified Mandamus relating to the proceedings in CBE:AO:IMP:2013-14:CBE/KVP/2 dated 12.08.2021 and to interfere with the same and direct the said respondents to grant distributorship to the petitioner in accordance with proceedings in CBE-AO-IMP 2013-14:FVC dated 01.03.2014.

2.The petitioner had been meandering around this Court by filing first W.P.No.32054 of 2014, and then W.P.No.4005 of 2019 and late W.P.No.37039 of 2016.



3.The short facts are that the petitioner had applied for a distributorship consequent to an advertisement issued by the 1st respondent.

The area was for Kaveripattinam. The petitioner had put forth a particular place at Kaveripattinam. The showroom address was given as F.No.102/3A1, Mittahalli Village, Kaveripattinam.

4.However, the Village Administrative Officer of Mittahalli Village whose opinion was sought for by the 1st respondent had issued a certificate on 14.03.2014 that the showroom does not come within Kaveripattinam. Stating that the advertisement was for a location in Kaveripattinam, the 1st respondent had rejected the application of the petitioner herein.

5.Thereafter, the petitioner had filed W.P.No.37039 of 2016. At the time of hearing, the petitioner offered to produce fresh documents for an area within Kaveripattinam. Taking that word of the learned counsel for the petitioner, a direction was given that such documents could be produced and if they are produced, the respondents may examine them.



6. However, the petitioner produced an unregistered lease deed dated 10.10.2013 and a registered lease deed dated 22.08.2016. The respondents were not satisfied with the nature of the lands offered and therefore, the offer made by the petitioner was rejected.

7. The petitioner then filed W.P.No.4005 of 2019. That writ petition came to be allowed by an order dated 14.02.2020.

8. Questioning that particular order, the respondents had filed W.A.No.486 of 2020.

9. The order in the writ appeal was passed by consent. Let me extract the portions where the learned counsel for the writ petitioner had accepted to the order of the writ appeal and to the nature of the order passed in the writ appeal. The order of the writ appeal is as follows:

“4. Learned Senior Counsel appearing for the appellant submitted that the aforesaid exercise can very well be done with respect to the land offered at the first instance



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being the subject matter of the writ petition in W.P.No.37039 of 2016 and as indicated in the application made.

5.Learned counsel appearing for the contesting respondent/writ petitioner also accepted the said statement made.

6.In such view of the matter, the order passed by the learned Single Judge is set aside and consequently the first respondent/writ petitioner on notice to the land indicated in the application originally in Survey No.102/3. This is for the purpose of satisfying that the aforesaid land is situated within the area earmarked for distributorship. The aforesaid exercise will have to be done within a period of eight weeks from the date of receipt of a copy of this judgment. If the area identified at the first instance is within the area meant for distributorship, appropriate orders will have to be passed within a further period of six weeks after completion of the process of measurement and inspection. The assistance of Taluk Surveyor can also be sought for, if so



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required. Needless to stated that if the land offered is outside the area meant to be utilized for distributorship, the first respondent/writ petitioner shall not be entitle to the distributorship.”

10.It is thus seen that, the Appellate Court had stated that, if the area identified in the first instance namely, the showroom at Mittahalli Village, is within the area for distributorship has offered by the respondent, then that particular place may be accepted. If it is outside, then it has to stand rejected.

11.The respondents rely on the certificate of the Village Administrative Officer at Mittahalli Village, wherein he had submitted a report on 14.3.2014, that the said land does not fall within the territorial limits of Kaveripattinam.

12.When that is a fact, the Court cannot re-visit the fact again and again. The land offered by the petitioner stands outside the area offered for distributorship in the advertisement. The Court cannot come to the rescue of



the petitioner herein. The order passed in the writ appeal is binding. It was quite categorically stated that, if the land offered is outside the area meant to be utilized for distributorship, the petitioner shall not be entitled for distributorship. It is clear that the land is outside. The petitioner is not entitled for distributorship.

13. With the above observations, this writ petition stands dismissed.

No costs.

13.02.2023

Index: Yes/No
Internet: Yes/No
smv

To

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C.V.KARTHIKEYAN,J.

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