



W.P(MD)No.7916 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 22.09.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.7916 of 2015
and
M.P.(MD)Nos.1 and 2 of 2015
and
W.M.P.(MD)No.16192 of 2017

S.Venkadachalam

... Petitioner

Vs.

1.The Deputy General Manager Cum Head
Retail South Bharath Petroleum Corporation,
Chennai.

2.The Territory Manager (Retail),
Bharath Petroleum Corporation,
No.1, Dindigul Road, Trichy.

3.S.Vincent Irudayara
*(R3 is impleaded vide order dated 26.03.2019
in W.M.P.(MD)No.8573 of 2017 in
W.P.(MD)No.7916 of 2015 by GRSJ)*

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus,



W.P(MD)No.7916 of 2015

calling for the records relating to the impugned order passed by the 1st respondent dated 22.04.2015 and quash the same and consequently direct the respondents to permit the petitioner to run the outlet in survey No.873/2 situated at Sevalur Village, Tiruchirappalli District adjacent to Manaparai To Vaiyamaptti SH by issuing letter of Instrument and commission.

For Petitioner : Mr.B.Prahalad Ravi,
For M/s.Hall Mark Associates.

For Respondents : Mr.S.Natesha Raja for R1 & R2.
Mr.H.Lakshmi Sankar for R3.

ORDER

Heard both sides.

2.Bharat Petroleum Corporation issued notification inviting application from prospective dealers for setting up petrol bump in Sevalur Village, Manapparai Taluk. The writ petitioner as well as the third respondent applied in response thereto. The writ petitioner was selected and the third respondent's application was negatived. Challenging the selection of the writ petitioner, the third respondent filed



W.P.(MD)No.7916 of 2015

W.P.(MD)No.2733 of 2012. The case was hotly contested. It was dismissed on 02.01.2013. Thereafter, the corporation revisited the issue. That was because even though the petitioner herein had originally offered the land in S.No.874/3, he now wanted to replace the same with the land in S.No.873/2. This was not acceptable to the corporation. Even as the issue was pending, the petitioner herein filed W.P.(MD)No.17083 of 2014. Vide order dated 23.02.2015, the writ petition was disposed of by directing the corporation to pass order on the petitioner's representation dated 10.07.2014. Pursuant thereto, the impugned order dated 22.04.2015 came to be passed rejecting the petitioner's request holding that the petitioner was ineligible for award of dealership. Challenging the same, the present writ petition has been filed.

3.The learned counsel for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition. He also took me through the materials enclosed in the typed set of papers. He submitted that the intention from the very beginning was to offer land comprised in S.No.873/2 and that the corporation had



W.P(MD)No.7916 of 2015

completely misdirected itself in law as well as on facts. He called upon this Court to set aside the impugned order and grant relief as prayed for.

4.The corporation made available the original file. I went through its contents. The petitioner had offered the land comprised in S.No.874/3 only. Vincent Irudhayaraj / third respondent herein filed W.P.(MD)No.2733 of 2012 by contending that award of mark in favour of the petitioner in respect of S.No.873/4 was incorrect as it was located at the interception of national highways. The writ petition filed by the third respondent was dismissed and this Court as well as the corporation proceeded on the footing that they were dealing with the land in S.No.874/3. It is therefore too late in the day for the petitioner to substitute the land. On going through the materials enclosed in the original file, it is too obvious that the petitioner had identified the land in S.No.874/3 for locating the petrol bump and the land in S.No.873/2 nowhere figured in the scheme of things. Therefore, the question of interfering with the impugned order does not arise. The petitioner however may not be treated as disqualified for submitting any application, if the corporation notifies the village again. As and when the



W.P(MD)No.7916 of 2015

BPCL issues any notification, information shall be given to the third respondent.

5. With this observation and direction, the impugned order is sustained and the writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

22.09.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
ias



WEB COPY



W.P(MD)No.7916 of 2015

G.R.SWAMINATHAN, J.

ias

W.P(MD)No.7916 of 2015

22.09.2023