



W.A.No.3105 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.10.2024

CORAM :

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR,

and

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.A.No.3105 of 2024

and

C.M.P No.23667 of 2024

R.Lakshmi

... Appellant

Vs.

The Divisional Manager,
Indian Oil Corporation Limited,
Salem Divisional Office,
No.234, first floor, NH-7,
Salem Bangalore By-pass Road,
Kondalampatti, Salem 636 010.

... Respondent

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent Act 1865, praying to set aside the order passed by this court in W.P.No.17400 of 2020 dated 11.01.2024.

For Appellant : Mr.V.Sivalingam



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ORDER

(Order of the Court was made by D.KRISHNAKUMAR, J.)

Assailing the order passed by the learned single Judge in W.P.No.17400 of 2024, dated 11.01.2024, the writ petitioner has filed the present appeal.

2. The appellant/writ petitioner was selected by the respondent for setting up retail outlet dealership (Petrol Pump) at Kalleripatti, Salem District and after inspection made by the Land Evaluation Committee, her candidature was rejected, vide e-mail dated 27.11.2019, stating that the Land Evaluation Committee found that the land offered by the appellant is not meeting the required norms, as it is not abutting road; and also High Tension (HT) line is passing through the offered land. Challenging the said rejection order, the appellant has filed the writ petition and it was dismissed by the learned Single Judge. The said order is impugned herein.

3. Learned counsel for the appellant submitted that, before passing the impugned rejection order, the appellant ought to have been given opportunity of hearing, as per " *Note:2 of the Guidelines on Selection of*



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Dealers for Regular and Rural Retail Outlets through Draw of

Lots/Bidding Process", however, without adhering to the said guidelines, the respondent has passed the rejection order, which is illegal and also allotted the Retail Outlet Dealership in favour of one Mr.P.Manimurugan. Hence, he seeks to set aside the order passed by the learned Single Judge.

4. Admittedly, the candidature of the appellant for Retail Outlet Dealership was rejected by the respondent on 27.11.2019 itself. It is not disputed by the appellant that subsequently the Retail Outlet Dealership was allotted to one Mr.P.Manimurugan, vide proceedings dated 26.09.2020. Even though the appellant had filed the writ petition to quash the said rejection order dated 27.11.2019, after coming to know about the allotment of the Retail Outlet Dealership to the said Mr.P.Manimurugan, she ought to have taken steps to implead him as a party to the writ petition, otherwise, she ought to have challenged the said allotment order granted to Mr.P.Manimurugan.

5. Learned Single Judge, after considering all the above aspects has rightly dismissed the writ petition, as no relief can be granted by exercising



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the powers of the judicial review, after such length of time. As such, we do not find any reason to interfere with the order passed by the learned Single Judge.

6. For the foregoing reasons, the writ appeal is devoid of merits and is dismissed accordingly. There shall be no order as to costs. Connected CMP No.23667 of 2024 is closed.

(D.K.K.J.) (P.B.B.J.)
23.10.2024

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