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W.P.No.15009 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.04.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.15009 of 2021 and
WMP.No.15890 of 2021

K.Ganapathy

... Petitioner

Vs.

- 1.M/s.Hindustan Petroleum Corporation Ltd.,
Having its Regional Office at
Chennai Retail RO,
2nd Floor, Petro Bhavan,
New No.82, Old No.47,
TTK Road, Chennai-18
- 2.The Deputy General Manager – Retail Region,
Hindustan Petroleum Corporation Ltd.,
Trichy Retail Region,
Trichy 620 001

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records of the second respondent in TRO/AB/RET, and quash the order dated 28.06.2021 and consequently direct the respondents to grant dealership to the petitioner for operating the petrol station on the petitioner's lands comprised in R.S.No.242/5, Serakuppam Village, Cuddalore District.

For Petitioner : Mr.V.Balamurugane



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For Respondents : Mr.Vijay Meghanathan,
Standing Counsel

ORDER

This writ petition has been filed challenging the second respondent's order in TRO/AB/RET dated 28.06.2021, thereby rejected the request made by the petitioner seeking dealership of the first respondent.

2. The petitioner owns property in RS.No.242/5, Serakuppam Village, Cuddalore District admeasuring 28,300 sq.ft. registered vide sale deed dated 31.01.1997 vide document No.250 of 1997 and leased out to the first respondent for running a retail outlet. The lease period is thirty years commencing from 11.11.1996. As per the conditions, the first respondent is paying rent without fail for the subject property to the petitioner. While being so, the petitioner made representation to grant dealership in his favour.

3. Admittedly, the petitioner is a lessor and the petitioner never applied for any dealership for retail outlet before the first respondent.



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Mere lessor has no right to seek dealership before the first respondent, that too without any application. There is a procedure to apply for dealership. Without even application, under the dealership selection process, the case of the petitioner cannot be considered. Therefore, the request made by the petitioner was rightly rejected by the first respondent and this Court finds no infirmity or illegality in the order passed by the second respondent.

4. Accordingly, this writ petition is dismissed. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

29.04.2024
(2/2)

Neutral citation: Yes/No
Index: Yes/No
Speaking/Non-speaking order
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G.K.ILANTHIRAIYAN, J.

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To

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