



W.P.No.18739 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.04.2024

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THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.18739 of 2021
and
W.M.P.No.20004 of 2021

Ramesh Kumar

... Petitioner

Vs

1. Hindustan Petroleum Corporation Limited,
(A Government of India Enterprise),
Rep. by its Chairman and Managing Director,
17, Jamshedji Tata Road,
Mumbai – 400 020.

2. Hindustan Petroleum Corporation Limited,
Represented by its Deputy General Manager-Retail,
Trichy Retail Region,
No.90, II Floor,
MDSR Enclave,
Bharathidasan Road,
Cantonment,
Trichy – 620 001.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India
praying to issue a Writ of Certiorarified Mandamus, to call for the records
relating to the impugned order bearing Ref:15444516652561 dated



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23.03.2021 passed by the second respondent and quash the same and consequently direct the respondents to award RO dealership at Sendurai Town, Ariyalur District under OBC category in pursuance of the advertisement dated 25.11.2018 to the petitioner.

For Petitioner : Mr.R.Thiagarajan

For Respondents : Mr.Vijayan
for M/s.King & Patridge

ORDER

The Writ Petition has been challenging the order dated 23.03.2021 passed by the second respondent, thereby, the second respondent rejected the application submitted by the petitioner seeking retail outlet dealership.

2. The petitioner applied for new dealership for opening of petrol pump in Sendurai Town, Ariyalur District in response to advertisement in the newspaper in the year 2018 under the OBC category. The petitioner had offered the lands comprised in S.F.Nos.77/6C1 and 77/7A3A at Sendurai for setting up the petrol pump of the respondents/Corporation. There was



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complaint dated 13.01.2020 alleging that the subject land is not having the requisite dimensions, viz., 35 meters frontage and 35 meters breadth. On receipt of the said complaint, the respondents asked for certificate from the Village Administrative Officer.

3. However, on a perusal of the order impugned in this Writ Petition, it reveals that during the field verification of credentials, the petitioner failed to produce the original land documents for verification by the Officer and the land documents produced by the petitioner, were at variance with the documents submitted/information given in the application as detailed therein. As per the documents submitted and repeated discussions made with the Writ Petitioner, it is observed that the survey numbers offered do not have the required minimum dimensions and other survey numbers offered are not contiguous. Hence, the land offered by the petitioner was rejected for grant of outlet dealership.

4. The learned counsel for the petitioner submitted that in pursuant to the query raised by the respondents, the Village Administrative



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Officer, by certificate dated 21.03.2021, mentioned the dimensions of the property as 35.2 meters and 35.5 meters. Therefore, the subject land has dimensions as per the requirements.

5. On a perusal of the letter issued by the respondents to the Village Administrative Officer, it reveals that the request to confirm that the properties in Survey Nos.77/6C1 and 77/7A3A belonged to one Selvaraju, are contiguous to each other and has required minimum dimensions of 35 meters frontage and 35 meters breadth. However, the Village Administrative Officer did not certify in favour of the respondents in respect of the subject property having length of 35.2 meters and having breadth of 35.5 meters and it is also contiguous. If at all the Village Administrative Officer issued any certificate in favour of the respondents, it would have been referred in the order impugned in this Writ Petition. In fact, the queries raised by the respondents were not at all marked by the petitioner and he marked the said communication and produced the same before this Court. That apart, the petitioner also produced the certificate issued by the Village Administrative Officer and it has not been marked to



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any authorities concerned, viz., the respondents and it was also not certified in favour of the respondents. Therefore, the petitioner has directly obtained the certificate from the Village Administrative Officer and produced the same before this Court. Hence, this Court finds no infirmity or illegality in the order passed by the second respondent.

6. In the result, this Writ Petition is dismissed. However, if the respondents so far had not allotted the retail outlet in anybody's favour, the petitioner is at liberty to approach the respondents by producing all relevant documents to satisfy the respondents with regard to its dimensions. If the respondents are satisfied with the claim of the petitioner, the petitioner's application may be considered on merits and in accordance with law. Consequently, the connected Miscellaneous Petition is closed. No costs.

15.04.2024

Index:Yes/No
Neutral Citation/Yes/No
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To

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G.K.ILANTHIRAIYAN, J.

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