



W.P.No.9293 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 29.04.2024

Pronounced on : 23.05.2024

CORAM:

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

W.P.No.9293 of 2017 and  
WMP.Nos.10263 & 10264 of 2017

C.Balakrishnan

... Petitioner

Vs.

- 1.The General Manager,  
Bharat Petroleum Corporation Limited,  
Bharat Bhavan,  
4 & 6 Currimbhoy Road,  
Ballard Estate,  
P.B.No.688,  
Mumbai 400 001
- 2.The Territory Manager,  
Bharat Petroleum Corporation Limited,  
Karur Retail Territory,  
Karur,  
Karur District
- 3.The District Collector,  
Krishnagiri District,  
Krishnagiri
- 4.The District Revenue Officer,  
Krishnagiri District,  
Krishnagiri
- 5.The Tahsildar,  
Krishnagiri District,  
Krishnagiri
- 6.M.Sivaraman
- 7.The District Registrar(Administration),  
Registration Department,



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Krishnagiri,  
Krishnagiri District  
(7<sup>th</sup> respondent suo motu impleaded vide order  
dated 18.04.2023 made in WP.No.9293 of 2017) ... 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 impugned sanction order dated 21.10.2016 passed by the second respondent herein and quash the same and consequently direct the respondents to grant license to the petitioner to run the RO Dealer retail outlet petrol bunk at Soolagiri Village by considering his application in accordance with law as he alone is eligible.

For Petitioner : Mr.K.Balu

For Respondents

For R1 & 2 : Mr.M.Vijayan,  
for M/s.King & Partridge

For R2 to 5 : Mr.S.J.Mohamed Sathik,  
Government Advocate

For R7 : Mr.P.Ananda Kumar

For R6 : M/s.S.Benazir

### **ORDER**

This writ petition has been filed challenging the order passed by the second respondent dated 21.10.2016, thereby selected the



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sixth respondent for retail outlet dealership for the Soolagiri, Krishnagiri District under SC Rural category.

2. The second respondent advertised on 18.10.2014 thereby calling upon applications for running retail outlet of RO dealers from SC/ST applicant for Soolagiri Village, Krishnagiri District. The petitioner had applied for retail outlet dealership along with the sixth respondent. Finally, the petitioner and the sixth respondent applications were taken into consideration and they were allowed to participate in the selection process. The sixth respondent was declared as selected from drawal of lot. It is under challenge in this writ petition.

3. The learned counsel for the petitioner raised the following grounds: challenging the selection of the sixth respondent for retail outlet dealer under SC/ST category; and as per the guidelines of the first respondent and also the Central Government, the retail outlet dealer must reside within 12 kilometers radius of the outlet firm whereas the sixth respondent is residing 85 kilometers away from the proposed place for



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establishing outlet pump. The place for running retail outlet pump is situated in survey No.26, 26/4, 26/4A of Soolagiri village. In the said land, there is a well and it is used by the entire village people for drinking water purpose. The sixth respondent is not the owner of the said land and he has no proper valid leasehold right from its original owner. The sixth respondent obtained licence based on fraudulent documents. According to the sixth respondent, he is a lessee and his lessor's original title over the property was cancelled by the proceedings of the District Registrar dated 03.01.2023 and the same was also recorded in the necessary records.

3.1 He further submitted that respondents 1 and 2 entered into lease agreement with the original owner of the property. Therefore, the sixth respondent is neither owner of the property nor having any leasehold right over the said property. Therefore, respondents 1 and 2 cannot protect the sixth respondent and the licence issued in favour of the sixth respondent ought to be cancelled. Therefore, it is violation of clause No.21 of the brochure issued for selection of dealers for regular



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and rural retail outlets. Accordingly, if any false information made at the time of application, the application will be rejected without assigning any reason and the dealership itself is liable to be terminated at any time.

4. Per contra, respondents 1 and 2 filed counter and the learned counsel appearing for respondents 1 & 2 submitted that in the subject land, there is no well and the retail outlet would not affect the general public from drawing water from any well. Though the petitioner and the sixth respondent were shortlisted for selection of retail outlet dealership by way of lots, the sixth respondent was selected for retail outlet dealership. Insofar as clause 21 of the brochure is concerned, the sixth respondent did not furnish any false information while making application for retail outlet. Therefore, clause 21 of the brochure is not at all applicable to the application submitted by the sixth respondent for retail outlet. The applications would be classified into two groups as Group 1 and 2. Insofar as Group 1 is concerned, applicants having suitable piece of land in the advertised location either by way of ownership / longterm lease for a period of minimum 20 years. Under



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Group 2, applicants having firm offer for a suitable piece of land for purchase or longterm lease for a period of twenty years. The types of retail outlet would be decided by the first and second respondents. The offered land would be taken on lease / purchased and fully developed as Corporation owned site. Further, the offered land can either be taken from the applicant or the owner of the land directly. Though the subject land was offered by the sixth respondent, the first and second respondents had entered into an agreement for lease with the original owner of the property directly. Therefore, the sixth respondent is nothing to do with the subject land. Though the District Registrar cancelled the title deed in respect of the subject property in favour of the original owner one, Arunachalam, aggrieved by the said order, respondents 1 and 2 filed appeal before the appellate authority and it is pending. Therefore, the cancellation of entire licence and fresh selection for retail outlet do not arise. It is also relevant to extract clause No.21 of the brochure issued for selection of dealers for regular and rural retail outlets hereunder:

***21. False Information***

*If any statement made in the application or in the documents enclosed therewith or subsequently submitted*



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*in pursuance of the application by the candidate at any stage is found to have been suppressed / misrepresented / incorrect or false, then the application is liable to be rejected without assigning any reason and in case the application has been appointed as a dealer, the dealership is liable to be terminated. In such cases the candidate/dealer shall have no claim whatsoever against the respective Oil Company.*

4.1 Only after issuance of licence in favour of the sixth respondent, one, Sasikala initiated proceedings to cancel the sale deed registered in favour of the original land owner i.e. Arunachalam under Section 68 (2) of the Registration Act before the District Registrar (Administration), Krishnagiri District by the proceedings dated 03.01.2023. The sale deed registered in favour of the original owner of the property i.e. Arunachalam was cancelled and aggrieved by the same, respondents 1 and 2 preferred appeal and it is pending. Therefore, at the time of the application, the sixth respondent had valid lease agreement between the sixth respondent and the original owner Arunachalam. Hence, he did not furnish any false information at the time of making application for retail outlet licence. That apart, the first and second



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respondents directly entered into agreement for lease with the original owner Arunachalam. It is nothing to do with the sixth respondent. As per the brochure, the first and second respondents can very well enter into agreement for lease, either from the applicant or from the owner of the land directly.

5. The counter filed by the sixth respondent and also the submissions made by the learned counsel appearing for the sixth respondent revealed that the retail outlet is running in 9506 1/4 square feet of land comprised in survey No.26/4 situated at Shoolagiri Village out of 0.37.0 hectare. The sixth respondent applied for retail outlet licence on the basis of the lease agreement which was entered on 26.11.2014 registered vide document No.4993 of 2014 with the original owner Arunachalam. The first and second respondents followed due process while considering the applications submitted by the petitioner as well as the sixth respondent for granting retail outlet dealership under SC/ST category. In the final draw, the sixth respondent was selected and issued lincense for running retail outlet petrol pump.



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6. In view of the above, this Court finds no grounds to quash the license issued in favour of the sixth respondent. As such, the writ petition is devoid of merits and liable to be dismissed. Accordingly, this writ petition is dismissed. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

23.05.2024

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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