



W.P(MD)No.16470 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 19.03.2024

Delivered on : 28.03.2024

CORAM :

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.P(MD)No.16470 of 2021

and

W.M.P.(MD)No.13349 and 13350 of 2021

G.Alagarsamy

... Petitioner

Vs.

1.The Chief Divisional Retail Sales Manager,
Indian Oil Corporation Ltd.,
No.2, Race Course Road, Chokkikulam,
Madurai District.

2.The Divisional Manager,
Indian Oil Corporation Ltd.,
Madurai Divisional Office,
No.2, Race Course Road, Madurai.

3.Chella Baskar

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari filed Mandamus, to call for the entire records pertaining to the communication made by the first respondent with regard to the rejection of the petitioner's candidature for the award of Retail Outlet Dealers at Kalingapatti to Paraipatti (on State Highways 44), Tirunelveli District vide his



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communication, dated 11.01.2020 as well as his consequential decision of awarding the same to the third respondent as reflected in their official website while disclosing the status of applications made thereon and set aside the same and consequently, direct the respondents 1 and 2 to award the said dealership in his favour by taking into consideration of the alternative land (Survey No.562, kalingapatti Village and the extend is 31 cents) offered by the petitioner.

For Petitioner : Mr.R.Anand

For Respondents : Mr.K.Muraleedharan, for R1 & R2

: No Appearance, for R3.

ORDER

This Writ Petition is directed against the order, dated 11.01.2020, rejecting the petitioner's candidature for the award of Retail Outlet Dealers at Kalingapatti to Paraipatti (on State Highways 44), Tirunelveli District and for directions to set aside the consequential decision of awarding the same to the third respondent and to award said dealership in favour of the petitioner.

2. It is not in dispute that the first respondent has issued a notification for the purpose of selecting dealers so as to run the Retail Outlet vide three categories as Group-I, II and III in Tirunelveli District.



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3. The case of the petitioner is that the petitioner has applied for awarding of Retail Outlet under open category in Group-I alleging that he was holding a landed property capable of meeting out the requirement for operating retail outlet at State Highways 44; that on 14.11.2019, the respondents 1 and 2 have selected the candidature by drawing lots, in which the petitioner's candidature has been chosen to be selected; that the petitioner has deposited initial security deposit of Rs.50,000/- on 16.11.2019 and that he has appeared before the respondents 1 and 2 on 18.11.2019 and produced all the original documents for their perusal; that subsequently, due to the family dispute, the petitioner's sister, who has promised to let her land for the usage of retail outlet, has withdrawn her words, as a result of which, the petitioner was forced to seek for alternative land; that the petitioner has found the suitable place and the owner of the said land one K.Rajagopal has agreed to lease out his land to the petitioner for opening retail outlet; that the petitioner has immediately informed about the availability of alternative place; that he has also sent the lease deed to the respondents 1 and 2 and that when the petitioner was awaiting for orders, he has received a communication, dated 11.01.2020, informing that his candidature has been rejected on the



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ground that the survey number, land details and land owner's name are wrong and the registration was also after the date of application; that the petitioner subsequently, came to know that the third respondent has been selected and award was prepared to be offered to him and that the rejection is very much against their own guidelines issued for selection of dealers for regular and retail outlets.

4. The case of the respondents 1 and 2 is that the petitioner while applying, has shown his sister's land in S.No.1722/560/A under Group-I and after preliminary selection through Draw of Lots, during scrutiny, they have found that land documents were not submitted for the said S.No.1722/560/A and the petitioner was directed to submit the land documents, but the petitioner has failed to submit the same; that since the petitioner did not submit the land documents as per dealership guidelines, his candidature was moved to Group-III and it has been rightly done as per the selection guidelines and there is no illegality in it.

5. It is their further defence that totally 10 applicants applied for the dealership of the subject location, in which 8 applicants are under Group-I, one applicant is under Group-II and one applicant is under



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Group-III; that in the first draw of lot, the petitioner got selected under Group-I category, on the basis of the applications and on further verification, he could not submit the land documents for the survey number shown in the applications and his candidature was moved to Group-III; that another draw of lots was conducted for the remaining eligible candidates and in that draw the third respondent got selected and during FVC, he could not submit the original land documents and hence, his candidature was made ineligible; that during third draw, one Thirupathy Paramasivam got selected, he has not paid the security deposit and not submitted the documents and hence, his candidature was made ineligible and that in the fourth draw of lot one B.Veluchamy got selected, Land Evaluation Credentials (LEC) and field verification were conducted on 10.03.2023 and 13.03.2023 and NOC was applied and yet to be commissioned and that since the respondents 1 and 2 have selected another candidature B.Veluchamy and he was waiting for NOC to commission the RO, the prayer claimed in the writ petition has become infructuous and that the writ petition is liable to be dismissed.

6. The learned counsel for the petitioner would submit that in the guidelines of the respondents 1 and 2, it has been specifically stated that



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in case of land offered by all the applicants under Group- I and II, is found not suitable, then those applicants along with applicants under Group-III would be advised to provide suitable land in the advertised location within a period of three months from the date of issuance of intimation letter to them and the petitioner has found out an alternative place and also produced the lease agreement, dated 11.12.2018 within a period of three months from the date of notification and that therefore, the rejection cannot be sustained. It is necessary to refer the said guidelines herein for better appreciation.

“ In case land offered by all the applicants under Group 1 & Group 2 is found not suitable/not meeting requirements, then these applicant/s under Group 1 & Group 2 along with applicants under Group 3 (who did not offer-land along with application) would be advised by the OMCs to provide suitable land in the advertised location / stretch, within a period of 3 months from the date of issuance of intimation letter to them through SMS/e-mail. In case the applicant fails to provide suitable land within the prescribed period or the land provided is found not meeting the laid down criteria, the application would be rejected.”



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The other conditions with respect to offering of land are as under:-

a) The land should be available with the applicant as on the date of application and should have, minimum lease of 19 years and 11 months (as advertised by respective oil company) from the date or after the date of advertisement but not later than the date of application.

.....
.... ”

7. The learned counsel appearing for the respondents 1 and 2 would submit that alternative land should be available with the applicant as on the date of application. But in the case on hand, admittedly, the petitioner was not holding the alternative land on the date of notification and even according to him, he found an alternative accommodation and entered into a lease agreement on 11.12.2018.

8. Moreover, as rightly pointed out by the learned counsel for the respondents 1 and 2, the first respondent has not rejected the candidature of the petitioner and in the impugned order, dated 11.01.2020 informing



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the petitioner that his candidature has been found ineligible, however his candidature may get considered for selection along with Group-III applicants as per guidelines and they have also assigned reasons for the same “ Applied under Group-I Application date 11.12.2018 Regd. In Application date details are wrong. Land owners Name, Survey No., ETC and Land Documents shown by the applicant is registered after the date of application.”

9. As rightly contended by the learned counsel for the respondents 1 and 2, the petitioner has not shown that the alternative land was available with him on the date of notification itself. Moreover, it is the specific case of the respondents 1 and 2 that the candidature of the third respondent was also found ineligible and in the fourth draw one Veluchamy got selected and after verification of the required particulars, NOC is awaited.

10. Considering the above facts and circumstances of the case and also taking note of the guidelines for selection of dealers, the impugned communication, dated 11.01.2020 cannot be found fault with and as such, this Court is not inclined to interfere with the same. Hence, this



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Court concludes that the Writ Petition is devoid of merits and the same is liable to be dismissed.

11. In the result, the Writ Petition is dismissed. Consequently, connected Miscellaneous Petitions are closed. No costs.

28.03.2024

NCC :Yes/No
Index :Yes/No
Internet : Yes/ No
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K.MURALI SHANKAR, J

das

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Dated : 28.03.2024