



W.P.(MD) No.22125 of 2017

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD) No.22125 of 2017
and W.M.P.(MD).Nos.18424 of 2017 and 13883 of 2024

Singaravel

... Petitioner

Vs.

CH. Divisional Retail Sales Manager,
Indian Oil Corporation Limited,
(Marketing Division),
Trichy Divisional Office,
“Triveni” 3rd Floor, B-35, Shastri Road,
Thillai Nagar,
Trichy – 620 018.

... Respondent

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order passed by the Respondent in his proceedings Ref.No.4105/DS/KSK/92 dated 20.10.2017 cancellation of selection and consequential order in his proceedings Ref.No. 4105/DS/KSK/92 dated 11.11.2017 rejecting the request of the petitioner for carrying out the observation of sub-lease made in the Lease Deed



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vide document No.2805/2014 dated 13.11.2014 and quash the same are illegal and consequently to direct the respondent to award of RO Dealership at Kattukudalur, Cuddalore District under SC Category.

For Petitioner : Mr.V.P.Rajan

For Respondent : Mr.K.Muraleedharan

ORDER

Mr.K.Muraleedharan, learned counsel, takes notice for the respondent.

2.The writ petition has been filed challenging the order rejecting the applicant's candidature and cancelling the selection on the ground that the lease deed produced by the petitioner is not in compliance with Class 4(vi)(b) of the Brochure issued for Selection of the Dealers.

3.The learned counsel for the petitioner would submit that the land owner had originally executed a lease deed registered in favour of the petitioner. However, apprehending that if the petitioner fails to get the dealership, the petitioner may sublease the land to any other third party,



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did not permit the petitioner to sublease the land. However, he would submit that directly the order of rejection was passed. The petitioner had made representation to the respondent indicating that necessary amendment would be carried out in the lease deed whereby, the petitioner would be entitled to sublease the property. Without considering the same, the respondent had reiterated his earlier stand by indicating that even or making the application as per the Brochure the lease deed ought to have contained the class as sublease. Hence, he seeks interference of this Court to the order impugned and direction to the respondent to consider the application of the petitioner.

4. Countering the same, the learned counsel for the respondent would submit that when the Brochure itself had indicated the petitioner being a Landless person should have entered into lease agreement with the land owner, who would have granted the power to sublease the property. Therefore, the petitioner had not fulfilled the condition laid down in the Brochure under Class 4(vi)(b). He would submit that in view of the interim order granted by this Court, the dealership has not



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been granted which had heavily affected the public. Hence, seeks this Court to dismiss the writ petition.

5.Considered the rival submissions made on either side.

6.Admittedly, Class 4(vi)(b) of the Brochure had indicated that if a land is offered on long term lease, then the lease agreement should have had the provision of sublease the land. When the Brochure in clear terms the petitioner ought to have incorporate the power to sublease in the lease agreement. However, the lease agreement produced by the petitioner categorically indicates that the petitioner did not have a power to sublease the premises. He has also submitted the very same document before the respondent for retail outlet dealership. Therefore, the eligibility for grant of retail outlet dealership be indicates that if the land is taken on long term lease, then the eligibility stipulates that the applicant should also have the authority to sublease the property. In such circumstances, I do not find any infirmity in the order impugned in the writ petition. The writ petition fails and deserves to be dismissed.



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7. Accordingly, this writ petition stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

26.11.2024

NCC : Yes/No
Index : Yes/No
Internet : Yes

TM

To

1.CH. Divisional Retail Sales Manager,
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K.KUMARESH BABU, J.

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