



W.P.No.7594 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 12.03.2025

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.7594 of 2024
and W.M.P.No.8515 of 2024

Arsath Abdulla

.. Petitioner

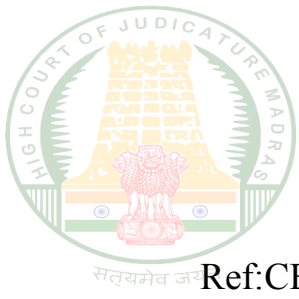
Versus

1. The General Manager,
Hindustan Petroleum Corporation Limited,
registered office at
No.17, Jamshedji Tata Road,
Mumbai - 400 020.

2. The Chief Regional Manager,
Hindustan Petroleum Corporation Limited,
Coimbatore Regional Office 18/3,
Big Bazaar Street,
Coimbatore District - 641 001.

.. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India,
pleased to issue a Writ of Certiorarified Mandamus calling for the records
relating to the impugned order of 2nd respondent made in



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Ref:CBERO/RET/AAK/946, dated 06.03.2024 and quash the same, consequently, direct the respondents to accept the petitioner's lease deed, dated 17.07.2023 and rectification deed, dated 11.08.2023, and declare the petitioner as respondent's dealership as per the communication, dated 13.12.2023 made in Ref:HPC16897515526093 issued by 2nd respondent.

For Petitioner : Mr.V.Anandhamurthy

For Respondents : MrMohammed Fayaz Ali

ORDER

This Writ Petition is filed for a Certiorarified Mandamus calling for the records relating to the impugned order of the second respondent made in Ref:CBERO/RET/AAK/946, dated 06.03.2024 and quash the same and consequently, direct the respondents to accept the petitioner's lease deed, dated 17.07.2023 and rectification deed, dated 11.08.2023 and to declare the petitioner as the respondents' dealer as per the communication, dated 13.12.2023.

2. The case of the petitioner is that the respondents issued an

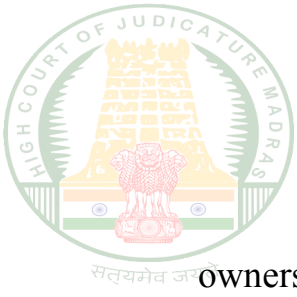


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advertisement on 28.06.2023 calling for applications for appointment of dealership for retail outlets throughout the state of Tamil Nadu and Puducherry and the last date for submission of application was 27.09.2023. The petitioner made an application on 20.07.2023 with the application fee and other required attachments for the location that is situated from Bramadesam to Anthiyur on Anthiyur Appakudal Road. Based on the drawal of lots which took place on 12.12.2023, the petitioner was provisionally selected and the same was intimated to the petitioner by the communication, dated 13.12.2023. Thereafter, a show-cause notice was issued on 01.02.2024 by mentioning the fact that the petitioner possessed only 1213.9 Sq.mts as on the date of application instead of 1225 Sq.mts and therefore, why his selection should not be cancelled.

3. The petitioner submitted his explanation on 04.02.2024. It is submitted that the petitioner possessed the correct entry of 1225 Sq.mts, but, when the petitioner acquired the land by way of a registered lease from its



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owners, a typographical error crept in instead of typing 31 cents, it was wrongly typed as 30 cents. Therefore, even before the last date of submission of application, a rectification deed was also made on 11.08.2023 and the same was on record and only after considering the original lease deed as well as the rectification deed, the petitioner was selected. The explanation was not accepted and the impugned order, dated 06.03.2024 was passed cancelling the selection of the petitioner. Aggrieved by which, the petitioner is before this Court.

4. Heard *Mr.V.Anandhamurthy*, learned Counsel for the petitioner and *Mr.Mohammed Fayaz Ali*, learned Counsel for the respondents.

5. The learned Counsel for the petitioner, by taking this Court through the lease deed, submits that even the boundaries need not be amended or rectified. Even in the original lease deed, it is mentioned as 30 cents or thereabouts. The exact square meters were not mentioned. However, the



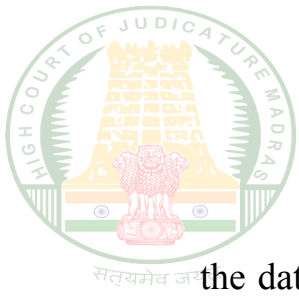
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lessors of the petitioner own more than 7 acres in the same survey number.

When the petitioner's very intention was to provide the land for the purpose of dealership, only by way of typographical error, instead of 31 cents, it was wrongly typed as 30 cents. Even before the respondents could scrutinise the application, when the petitioner submitted his application on 20.07.2023, immediately, the rectification deed was also entered into and the same was also uploaded on 11.08.2023 which is much before the last date of submission of the application that is on 27.09.2023. Therefore, the respondents ought to have seen that when the original deed is rectified, then, the same would date back to the original lease deed and therefore, they cannot now reject the case of the petitioner.

6. Per *contra*, the learned Counsel for the respondents would submit that they are bound by the notification and the guidelines regarding selection of dealers. As per Clause - 4.vi(o) of the guidelines, it is the responsibility of the applicant to ensure the land with relevant criteria, is available as on



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the date of the application. The rectification deed is much after the date of application. The guidelines also categorically mentioned in guideline No.23 with reference to a list of non-rectifiable deficiencies. The entry (q) categorically mentions with reference to the land not meeting the norms. Therefore, this is not a mistake which can be rectified by the petitioner. The respondent authorities have to go strictly by the guidelines and therefore, when the initial selection is only a provisional selection, thereafter, on the scrutiny of the documents, when it is found that the petitioner was ineligible as on the date of application, the same is rightly rejected and this would not be interfered by this Court.

7. I have considered the rival submissions made on either side and perused the material records of the case.

8. It is true that as per the guidelines 4.vi(o), it is the responsibility of the applicant to ensure the availability of the land as on date of the

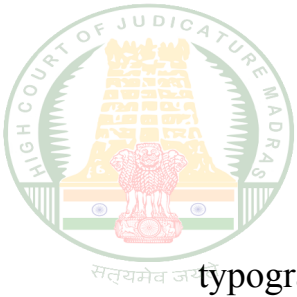


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application. In that view of the matter, if the land is acquired subsequent to the application, the same will not come to the rescue of the applicant. The same is also held to be non-rectifiable by the guidelines. In this case, the question which is to be decided is that whether the petitioner acquired the additional land after the date of application. The learned Counsel would point out that even in the schedule in this case need not be rectified and only the typographical error of 30 cents instead of 31 cents alone had to be rectified. When the rectification deed is only a correction of a typographical error and once the typographical error stands rectified, then, it cannot be considered that the petitioner acquired the balance of the lands subsequently after the date of the application as it would date back to the lease deed itself.

9. It is not the case that additional extent of land has been included in the rectification because the boundaries need not be altered in this case. Therefore, when the petitioner is able to successfully establish his case before this Court by pointing out to the schedule that it is only a



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typographical error and when the typographical error was corrected, I am of the view that it cannot be held that the petitioner acquired the qualification only post his application. Secondly, the yet another factor is that, initially when an interview was conducted, the rectification deed was also on record. For all the above reasons, I am of the view that the petitioner is entitled succeed.

10. This Writ Petition is allowed. The impugned order, dated 06.03.2024 made in Ref.No.CBERO/RET/AAK/946 shall stand quashed. The respondents are directed to further process the case of the petitioner for award of dealership as per their original selection subject to their other norms and procedures. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

12.03.2025

Neutral Citation : yes

<https://www.mhc.tn.gov.in/judis>



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D.BHARATHA CHAKRAVARTHY, J.

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