



W.P.No.16177 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.02.2025

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.16177 of 2023
and W.M.P.No.15573 of 2023

P.Dhanya

.. **Petitioner**

Vs.

1.Indian Oil Corporation Limited
Indian Oil Bhavan
G-9, All Yavar Jung Marg
Bandra East, Mumbai – 4001 051.
rep.by its Head of Divisional Office.

2.The Divisional Officer Head
Indian Oil Corporation Limited
Trichy Divisional Office
Triveni, 3rd Floor, Thillai Nagar
Trichirappalli – 620 018.

.. **Respondents**

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorarified Mandamus, calling for the records relating to order of cancellation of candidature of the petitioner passed in Ref.15434701041384 dated 12.05.2023 on the file of the 2nd respondent quash the same and direct the respondents to award petroleum retail outlet dealership



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to the petitioner (application No.is 15434701041384) as per the declaration as successful candidate as informed in the letter Ref.15434701041384 dated 12.11.2019 on the file of the 1st respondent.

For the Petitioner : Mr.S.Doraisamy

For the Respondents : Mr.Mohammed Fayaz Ali for R2
For R1-not ready in notice

ORDER

This Writ Petition is filed for a Certiorarified Mandamus calling for the records relating to the order of cancellation of the candidature of the petitioner dated 12.05.2023 and consequently direct the respondents to award the petroleum retail outlet dealership to the petitioner, pursuant to his application No.15434701041384 dated 12.11.2019

2. The grievance of the petitioner is that, by an advertisement dated 25.11.2018, the respondent – Company notified calling for applications for awarding dealership to run a petroleum outlet at Ariyankuppan to Thavalakuppam on NH District Puducherry, under open category. The petitioner



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is owning a suitable land in the above location. Therefore, he preferred an application on 29.11.2018. After due interview and selection process on 11.11.2019, she was selected. On 12.11.2019, the petitioner was declared as a successful candidate. She was also requested to remit an amount of Rs.50,000/- as initial security deposit. The same was remitted on 16.11.2009. Thereafter, since no orders were passed, awarding the dealership, the petitioner approached this Court by way of W.P.No.6451 of 2023 for a direction to the respondent to award the dealership.

3. In the said Writ Petition, an order was passed on 02.03.2023, directing the respondents to complete any further formalities and inform the petitioner about the same and if the petitioner complies with the same, to pass orders in accordance with the selection made by them on or before 20.04.2023. It is in that context, the impugned order is passed. By the impugned order, the petitioner was informed that since the site which is relied upon by the petitioner is occupied by the petitioner's own father, shown as retail outlet for the Indian Oil Corporation, the selection cannot be gone ahead.



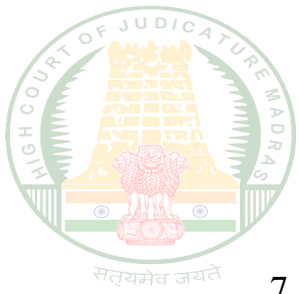
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4. It is the case of the petitioner that the period in respect of the said outlet is already over and already an order of eviction has been passed in the Civil Suit and the matter was carried upto the Second Appeal and in the S.A.No.807 of 2024 is also dismissed. Therefore, the same cannot be taken as an impediment and the petitioner's candidature cannot be rejected.

5. *Per contra*, the learned counsel appearing on behalf of the 1st respondent - Corporation would submit that the Second Appeal was disposed of only on 14.11.2024. As per the directions granted in the Second Appeal, the parties have six months time to vacate the suit property. Only after the suit property is vacated, the petitioner's dealership can be considered. Since the petitioner's dealership was directed to be considered even before the said period, it was rightly rejected by the respondent.

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



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7. It can be seen that the only ground on which the petitioner's candidature is cancelled is that the site is the subject matter of another dealership. Both sides learned counsel admit that the dealership is no more in force. Even with reference to eviction and recovery of possession, already a decree was made as early as on 05.09.2022 in O.S.No.145 of 2016. The same was also confirmed in A.S.No.4 of 2023 on 24.04.2024. The Company also filed a Second Appeal in S.A.No.807 of 2024 which also came to be dismissed by a Judgment and decree dated 14.11.2024. As such, the rights of the parties with reference to the earlier dealership was already determined. The only thing is that while disposing of the Second Appeal, this Court had granted six months time.

8. The learned counsel submit that the said six months time has not yet expired. It is true that the said six months time is not expired and therefore, for that issue, the very dealership itself cannot be cancelled. Especially so, when in the earlier Writ Petition order which is *inter se* parties, this Court has directed only for compliance of formalities and going ahead with the dealership. Therefore, the respondent – Company cannot go back after the order of this



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Court made in the earlier Writ Petition. It can be seen that as per the Judgment and decree in the Second Appeal, the Company has six months time from 14.11.2024. Even then the said time would come to an end as on 13.05.2025, there will be no impediment for awarding the dealership as on 14.05.2025.

9. In that view of the matter, the Writ Petition is disposed of on the following terms,

(i) The impugned passed in Ref.15434701041384 dated 12.05.2023 on the file of the 2nd respondent is set aside;

(ii) The respondents – Company is directed to go ahead and award the dealership in favour of the petitioner;

(iii) It is for the respondents – Company to immediately act, since again it is going to be their dealership or to wait until 13.05.2025 and thereafter, immediately consider the case of the petitioner and award the dealership, in any event, the exercise should be completed on or before 31.05.2025.

(iv) No costs. Consequently, the connected miscellaneous petition is



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closed.

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Neutral Citation : No

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To

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