



W.P.(MD)No.4100 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.4100 of 2025

and

W.M.P.(MD)Nos.2942, 2944 and 2945 of 2025

M.Pathampiriyal

... Petitioner

-VS-

1.The General Manager,
Hindustan Petroleum Corporation Limited,
South Zone Office,
Thalamuthu Natarajan Maligai,
4th Floor, Gandhi Irvin Salai,
Egmore, Chennai - 8.

2.The Head of Regional Office,
HPCL, Madurai Retail RO,
1st Floor, BSNL CMTS Bhavan,
70 Feet Road, Ellis Nagar,
Madurai, Tamil Nadu - 625 016.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus, calling for records relating to the impugned order made by the second respondent, dated 21.01.2025 and consequential impugned order in MDRO/RSP/RET, dated 04.02.2025, in respect of the petitioner's Application in HPC16956452490639 and quash the same as illegal and consequently, confirm the candidature of the Petitioner for Retail



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Outlet Dealership for the location within 2 km from Nainarkoil Village,
Ramanathapuram District.

For Petitioner : Mr.M.Rajarajan

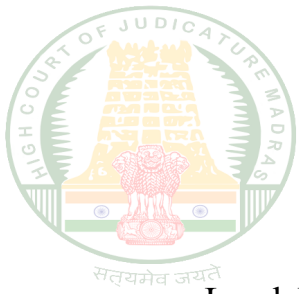
For Respondents : Mr.R.J.Karthick

ORDER

This Writ Petition has been filed seeking to quash the impugned order made by the second respondent, dated 21.01.2025 and consequential impugned order in MDRO/RSP/RET, dated 04.02.2025, in respect of the petitioner's Application in HPC16956452490639 and consequently, confirm the candidature of the petitioner for Retail Outlet Dealership for the location within 2 Kms. from Nainarkoil Village, Ramanathapuram District.

2. With the consent of both sides, this Writ Petition is taken up for final disposal at the admission stage itself.

3. The learned counsel for the petitioner submits that the petitioner qualified in the draw of lots conducted by the second respondent for the allotment of a Regular/Rural Retail Outlet (Petrol Pumps) Dealership. Thereafter, the second respondent requested the petitioner to pay a sum of Rs.20,000/- and attend

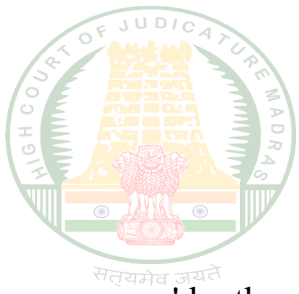


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a Land Evaluation Committee (LEC) visit, which the petitioner duly complied with by offering a site for inspection on 18.08.2024. However, on 21.01.2025, the petitioner received a communication from the second respondent informing that the application was rejected on the grounds that the petitioner had not met the required depth of the site and the land is situated on the State Highway.

4. The learned counsel for the petitioner submits that the site offered by the petitioner met all the necessary requirements and the rejection on such a vague ground is arbitrary and unjustified. Therefore, the petitioner submitted a representation to the second respondent offering an alternative piece of land for inspection. However, despite the same, the second respondent passed another impugned order rejecting the petitioner's representation without any proper justification or further inspection. Hence, the learned counsel for the petitioner seeks to quash the impugned orders and allow the writ petition.

5. The learned counsel for the respondents submits that the application was rejected based on the specific ground that the petitioner's site did not meet the required depth. The criteria for the allotment of the dealership are clear and the



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'depth of the site' is a crucial factor that ensures the suitability and safety of the location for the retail outlet. The rejection was, therefore, based on a legitimate and reasonable criteria that was part of the terms and conditions set out for the allotment process.

6. The learned counsel for the respondents further submits that after the rejection, the petitioner offered an alternative piece of land, but upon review, the said land also did not meet the required standards. The rejection of the representation was based on the ground that the land offered by the petitioner is situated abutting to State Highway 34 (SH-34).

7. The learned counsel for the respondents further submits that the petitioner's claim of vagueness regarding the 'depth of the site' is unfounded, as the criteria for site evaluation are explicitly stated and must be strictly adhered to for ensuring proper safety and compliance. The second respondent, as the competent authority, has the right to make decisions based on site inspections and evaluations, ensuring that all applicants were evaluated fairly and in compliance with the prescribed norms.



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8. Heard both sides.

9. After considering the submissions from both sides, this Court finds that the rejection of the petitioner's application and the subsequent rejection of the alternative land offered by the petitioner were made based on a legitimate ground that the land offered by the petitioner is on the State Highway, which is a valid and necessary criterion for the allotment of a petrol pump dealership. Further, the petitioner's site did not comply with the prescribed specifications and the rejection was made after a fair evaluation process. This Court also finds that there is no arbitrariness or unjustified action on the part of the second respondent. The petitioner's claim that the ground of rejection is vague is not substantiated. Moreover, the alternative site offered by the petitioner was similarly found to be unsuitable and therefore, no further inspection or justification was necessary.

10. In the light of the above, this Court concludes that the second respondent acted within its discretion and in accordance with the norms prescribed. Therefore, this Court finds no infirmity in the impugned orders, dated 21.01.2025 and 04.02.2025. Hence, the Writ Petition is liable to be dismissed.



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Accordingly, it is dismissed. There shall be no order as to costs. Consequently,
connected Miscellaneous Petitions are closed.

NCC : Yes / No
Index : Yes / No
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