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**IN THE HIGH COURT OF MANIPUR
AT IMPHAL**

WP(C) No. 946 of 2021

M. Dana

.... *Petitioner/s*

- Versus –
Indian Oil Corporation Ltd. & 2 Ors.

.... *Respondent/s*

**BEFORE
HON'BLE MR. JUSTICE AHANTHEM BIMOL SINGH**

28.04.2022

[1] Heard Mr. N. Ibotombi, learned senior counsel appearing for the petitioner, Mr. L. Shashibhushan, learned counsel appearing for the respondents No. 1 & 2 and Mr. A. Vashum, learned GA appearing for the respondent No. 3.

[2] The present writ petition has been filed assailing the legality and validity of the order dated 02.12.2021, issued by the Deputy General Manager (Retail Sales)-Cum-State Level Co-ordinator, Manipur, Indian Oil Corporation (IOC) Limited, Imphal Divisional Office by which the selection of the petitioner for engaging/appointing him as dealer of the regular/rural retail outlet petrol pump of the Indian Oil Corporation (IOC) located at Torbung Bangla on Imphal-Tiddim Road NH-150 (Within 1 KM from Border Security Force Outpost towards Kangvai) had been cancelled.

[3] The case of the petitioner is that the Indian Oil Corporation Limited issued a notice for appointment of regular/rural retail outlet (petrol pump) dealership and the said notice was published in the Sangai Express on 25.11.2018.

[4] Pursuant to the said advertisement, the petitioner applied for his appointment as regular/rural retail outlet (petrol pump) dealership located at Torbung Bangla on Imphal-Tiddim Road, NH-150 (Within 1 KM from Border Security Force Outpost towards Kangvai). After taking up necessary process and by draw of lots, the petitioner was selected for his appointment for the said dealership, however, the authorities subsequently, issued the order dated 02.12.2021 cancelling the selection of the petitioner only on the ground that the land offered by the petitioner for establishment of the retail outlet is not situated within the advertised revenue district.

[5] Having been aggrieved, the petitioner approached this Court by filing the present writ petition with a prayer for quashing the said impugned order and for directing the respondents No. 1 & 2 to issue letter of appointment and for development and operationalization/commissioning of the retail outlet.

[6] Mr. N. Ibotombi, learned senior counsel appearing for the petitioner submitted that the land offered by the petitioner for establishment of the retail outlet is situated within 1 KM from the Border Security Force (BSF) Outpost towards Kangvai and this factum has been acknowledged by the respondents as can be seen from the documents marked as Annexure R/2 and R/3 filed by the respondents in their affidavit-in-opposition.

[7] It has also been submitted by the learned senior counsel that the office of the Deputy Commissioner (DC), Churachandpur issued a certificate dated 15.01.2021 in favor of the petitioner stating that the land offered by the petitioner for establishment of the said dealership is within Kangvai Sub-Division, Churachandpur District even though, the land record is under the

custody of Kumbi Sub-Division Collector (SDC) circle Moirang Sud-Division, Bishnupur District. In this regard, the office of the SDC, Kumbi, Bishnupur District also issued another certificate dated 11.08.2021 in favor of the petitioner to the effect that the land offered by the petitioner for establishment of the said dealership is within Churachandpur District even though the revenue circle of the said land falls under the jurisdiction of the SDC, Kumbi circle Moirang Sub-Division, Bishnupur District.

[8] The learned senior counsel further submitted that in view of the said two certificates issued by the competent authorities of the State Government, there is no iota of doubt that land offered by the petitioner for establishment of the said dealership falls within the advertised area and this factum has already been admitted by the respondents in their counter affidavit.

[9] In view of the above, it has been submitted by the learned senior counsel that the rejection of the candidature of the petitioner for his appointment as a dealer of the Indian Oil Corporation is unreasonable, arbitrary and the same is liable to be quashed and set aside.

[10] Mr. L. Shashibhushan, learned counsel appearing for the respondents No. 1 & 2 submitted that the respondents No. 1 & 2 are not disputing that the location of the land offered by the petitioner for establishment of the said dealership falls within the advertised area, however, in the notification, it has been clearly mentioned that the revenue district should be within Churachandpur District.

[11] In the present case, as the said land offered by the petitioner is within the revenue district of Bishnupur, the authorities have no option but to reject

his selection on that ground and no illegality has been committed by the authorities in issuing the order. The learned senior counsel accordingly submitted that the present writ petition deserves to be dismissed.

[12] Mr. A. Vashum, learned GA appearing for the respondent No. 3 submitted that the State Government has no role to play and no submission has been advanced by the learned Government Advocate.

[13] After hearing the rival submissions of the learned counsel appearing for the parties and on perusal of the records, this Court is of the considered view that the primary importance given by the authorities for establishment of the retail outlet is the location of the land as notified in the notification issued by the Indian Oil Corporation and that as per the record, the land offered by the petitioner falls within the advertised location, i.e., within 1 KM from the BSF Outpost towards Kangvai. This fact is also admitted by the respondents in their counter affidavit.

[14] This Court is also of the considered view that the ground on which the candidature of the petitioner has been rejected is unreasonable inasmuch as, while issuing the notice, the authorities might not have any idea about the revenue district of the location of the land which has been notified by the authorities of the Indian Oil Corporation and this Court is also of the considered view that the primary importance given by the authorities of the Indian Oil Corporation is about the location of the land and not about the revenue district under which the said location falls.

[15] In view of the above, this court is of the opinion that the rejection of the candidature of the petitioner is unreasonable and accordingly, the

impugned order dated 02.12.2021 is hereby quashed and set aside. The respondents No. 1 & 2 are further directed to complete the process for selection of the petitioner and to issue letter of appointment of the petitioner as a dealer of the Indian Oil Corporation for the aforesaid location and to take up necessary steps for development and operationalization/commission of the retail outlet at Torbung Bangla on Imphal-Tiddim Road NH-150 (Within 1 KM Border Security Force Outpost towards Kangvai) as early as possible.

With the aforesaid directions, the present writ petition is disposed of.

There is no order as to costs.

JUDGE

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