



IN THE HIGH COURT OF KARNATAKA AT DHARWAD

DATED THIS THE 3RD DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO.101879 OF 2025 (GM-RES)

BETWEEN:

SHARUKH
S/O. IMAMSAHEB BIRADAR,
AGE. 31 YEARS, OCC. BUSINESS,
R/O. VIKRAMPUR, IB ROAD,
ATHANI-591304, TQ. ATHANI,
DIST. BELAGAVI.

...PETITIONER

(BY MISS. KAVITA S.JADHAV, ADVOCATE FOR
SRI. ARUN L.NEELOPANT, ADVOCATE)

AND:

1. M/S. INDIAN OIL CORPORATION LTD.,
BELAGAVI DIVISIONAL OFFICE,
INDIAN OIL BHAVAN, KHANAPUR ROAD,
TILAKAWADI, BELAGAVI-590006,
BY ITS HEAD OF DIVISIONAL OFFICER.
2. THE DEPUTY GENERAL MANAGER,
(RETAIL SALES),
INDIAN OIL CORPORATION LIMITED,
INDIAN OIL BHAVAN, NO.29,
KALINGRAO ROAD,
(MISSION ROAD),
BENGALURU-560027.





...RESPONDENTS

(BY SRI. AMAR DHARIYANNAVAR, ADVOCATE FOR
SRI. C.V. ANGADI, ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT OR ORDER OR DIRECTION IN THE NATURE OF WRIT OF CERTIORARI TO QUASH THE IMPUGNED LETTER DATED 04-05-2024 AS PER ANNEXURE-G REF. NO.IOC 16945225807938 ISSUED BY THE RESPONDENT NO.1 AND ISSUE A WRIT OR ORDER OR DIRECTION IN THE NATURE OF WRIT OF MANDAMUS DIRECTING THE RESPONDENT NO.1 TO AWARD OF RETAIL OUTLET DEALERSHIP FOR THE LOCATION AT SL.NO.647 WITHIN 2 KM FROM BASAVESHWARA CIRCLE TOWARDS AINAPUR (BELAGAVI DISTRICT) ROAD ON STATE HIGHWAY, IN FAVOUR OF THE PETITIONER AND GRANT SUCH OTHER FURTHER RELIEFS AS THIS HON'BLE COURT DEEMS FIT IN THE CIRCUMSTANCES INCLUDING COSTS IN THE INTEREST OF JUSTICE AND EQUITY.

THIS WRIT PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI



ORAL ORDER

The present writ petition is filed seeking the following prayer:

"PRAYER

Wherefore the petitioner most respectfully prays that this Hon'ble court may kindly be pleased to

- i. Call for records pertaining to the case from the respondent No.1.***
- ii. Issue a writ or order or direction in the nature of writ of certiorari to quash the impugned letter dated:04-05-2024 as per Annexure-G Ref. No.IOC 16945225807938 issued by the respondent No.1.***
- iii. Issue a writ or order or direction in the nature of writ of mandamus directing the respondent No.1 to award of Retail Outlet Dealership for the location at Sl.No.647 within 2 KM from Basaveshwara Circle towards Ainapur (Belagavi District) Road on State Highway, in favour of the petitioner.***
- iv. Grant such other further reliefs as this hon'ble court deems fit in the circumstances including costs in the interest of justice and equity."***

2. The facts of the case are that respondent No.1 has issued an advertisement on 28.06.2023 inviting applications for award of Retail Outfit Dealership at various locations in Karnataka. Pursuant to the same, the petitioner applied for the Retail Outlet Dealership for the location at Sl.No.647 within 2 KM from Basaveshwara Circle towards Ainapur Road on State Highway. The land evaluation committee visited the site situated in RS No.1619/6A offered by the petition for the establishment of



retail outlet on 21.11.2023. Thereafter, the petitioner has approached the Assistant Executive Engineer PWD Sub-Division, Athani and he has issued a letter dated 09.02.2024 stating that the property is within a distance of 1.995 KM. The said letter was submitted by the petitioner to respondent No.1 authority. It is stated that on 04.05.2024, respondent No.1 issued the impugned letter informing the petitioner that the candidature has been found ineligible for the reason that the land is not in the advertised stretch. It is stated that the impugned letter dated 04.05.2024 as per Annexure-G is contrary to the guidelines for the selection of distributorship and is in violation of principles of natural justice and the respondent No.1 has not at all given any opportunity of being heard. Hence, the petitioner has come up before this Court.

3. The impugned letter is dated 04.05.2024 and this writ petition is filed on 13.02.2025. Learned counsel for the petitioner relying on the letter that is issued by the PWD submits that the petitioner's land is within 2 KM radius from Basaveshwara Circle, as such, the respondents ought not to have considered the case of the petitioner for the dealership.



4. Detailed objections are filed by the respondent. Learned counsel appearing for the respondents submits that they are not bound by any communication from the PWD. As per the brochure for selection of dealers for regular and rural retail outlets, they have their own team to consider whether the subject land is situated within 2 KM radius or not. It is submitted that in the presence of the petitioner they have conducted the survey and as per the same, the distance is 2.2 KM. On the said map, the signatures of the Assistant Manager-Engineering and the petitioner are found. It is submitted that they have not received any communication from the petitioner as stated by the petitioner. It is submitted that the PWD letter is not binding on them and the same is not communicated to them. When they have issued the notification, they have made it very clear what are the requirements and if the petitioner is eligible as per the requirement, then only they are bound to consider the same. It is submitted that the writ petition is not maintainable. He has relied on the judgment of the High Court of Patna in case of **M/s**



Indian Oil Corporation Limited Vs. Raj Kumar Jha¹. He

relied on paragraph No.8 which reads as follows:

"8. We are of the opinion that the Corporation being the State within the meaning of Article 12 of the Constitution is supposed to act fairly, reasonably and uniformly and has to be objective in its approach. Once the standard is set out in the advertisement, the Corporation has to adhere to the said standard without any variation. In case, the Corporation allows any alteration the same will amount to subjective approach which is frowned upon by the Courts time and again. To remain objective the Corporation is required to adhere to the standards mentioned in the advertisement. In the present case, it is not in dispute that the application made by the writ petitioner was not in conformation with the requirements mentioned in the advertisement. In our opinion, the Corporation was justified in rejecting the application of the writ petitioner."

5. Relying on this judgment, learned counsel submits that when the candidature of the petitioner is not in compliance with the requirement, there is no obligation for the respondents to consider the same.

6. Having heard the learned counsels on either side, perused the material on record. As per the advertisement given by the respondents dated 28.06.2023, the petitioner has applied for Retail Outlet Dealership. The prerequisite for the same is that the distance should be within 2 KM from Basaveshwara Circle.

¹ 2011 SCC OnLine Pat 1529



The petitioner says that it is within 2 KM. But according to the respondents, it is 2.2 KM. It is not even the case of the petitioner that the respondents, with an intention to accommodate another person, have not considered the case of the petitioner. When the respondents themselves have issued the notification and they want to appoint a dealer, there is no reason for them not to consider the application of the petitioner when the subject site is within 2 KM.

7. The petitioner is a signatory to the layout sketch wherein the inspection is done in the presence of the petitioner which is dated 14.11.2023 and the letter is issued in the month of May 2024 and the present petition is filed in the month of February 2025. This Court finds force in the argument of the learned counsel for the respondents. The respondents have their own mechanism to measure whether the subject property is within 2 KM from Basaveshwara Circle or not and they have done it. The PWD has no say in that and the petitioner being a signatory to the sketch i.e., on 14.11.2023 and the letter is issued in the month of May 2024 and the petitioner has come up before this Court in the month of February 2025. All these



aspects strengthens the case of the respondents and also the fact that except taking a report from the Assistant Executive Engineer, the petitioner has not done anything else and as this is a prerogative of the respondents to grant the dealership based on their requirement. According to them, the petitioner's land is not as per their requirement and this Court is not inclined to interfere with the impugned proceedings. Hence, this Court is passing the following:

ORDER

- i. Accordingly, the writ petition is ***dismissed***.
- ii. All I.As. in this petition shall stand closed.

Sd/-
JUSTICE LALITHA KANNEGANTI

MEG
CT: UMD
List No.: 1 Sl No.: 10