

GAHC010108032020



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/3247/2020

PARAMANANDA LANGTHASA
S/O LT. RAMANANDA LANGTHASA, R/O TISSO GAON, P.O. TUMPRENG, P.S.
BAITHALANGSO, WEST KARBI ANGLONG-782485, ASSAM

VERSUS

UNION OF INDIA AND 3 ORS
REP. BY THE SECRETARY, MINISTRY OF PETROLEUM NEW DELHI-110001

2:INDIAN OIL CORPORATION LTD.
HAVING REGISTERED OFFICE AT G-9 ALI YAVAR JUNG MARG
BANDRA (EAST)
MUMBAI-400051

3:INDIAN OIL CORPORATION LTD.
INDIAN OIL BHABAN SECTOR-III
NOONMATI
GUWAHATI-781020 ASSAM

4:INDIAN OIL CORPORATION LTD.
INDANE AREA OFFICE SRIPURIA
TINSUKIA-786125
ASSAM

5:THE STATE OF ASSAM. REPRESENTED BY THE CHIEF SECRETARY
GOVERNMENT OF ASSAM.
GUWAHATI.

6:KARBI ANGLONG AUTONOMOUS COUNCIL. REPRESENTED BY ITS
SECRETARY
REVENUE
DIPHU
KARBI ANGLONG.
PIN- 78246

Advocate for the Petitioner : MR. B J GHOSH
Advocate for the Respondent : ASSTT.S.G.I.

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

03.04.2023

Heard Shri BJ Ghosh, learned counsel for the petitioner. Also heard Shri P. Bhardwaj, learned Standing Counsel, IOCL. The State of Assam is represented by Shri N. Goswami, learned State Counsel whereas the KAAC is represented by Ms. V. Shohe, learned counsel appearing on instruction of Shri J. Chutia, learned Standing Counsel.

2. Considering the subject matter and the broad consensus arrived in the Bar, the writ petition is taken up for disposal at the admission stage.

3. The matter pertains to allotment of LPG distributorship in the district of Karbi Anglong Autonomous Council (KAAC), Assam.

4. It is the case of the petitioner that pursuant to an invitation, the petitioner had submitted an application on 25.06.2018 for grant of distributorship of LPG in the Sikari Pathar location of the district of Karbi Anglong in the open category (Gramin). As a requirement, the plots of land offered by him for godown as well as show-room were specifically mentioned in the said application submitted online.

5. The petitioner claims that his bid was declared as successful and accordingly a letter dated 23.12.2018 was issued directing the petitioner to deposit an amount of Rs.40,000/- as Security Deposit and other documents including the land documents, which according to the petitioner was done on 03.01.2019. However, the petitioner is aggrieved vide a communication dated 11.03.2019 issued by the IOCL whereby the offer made to him was cancelled. The petitioner was informed that the land offered by him for godown / show room did not meet the eligibility criteria and therefore he was asked to provide alternative plot of land. The petitioner claims to have provided

alternative plot of land.

6. However, the IOCL had issued communications dated 02.07.2019 and 06.01.2020 by which the candidature of the petitioner has been rejected without considering the documents / clarifications made by the petitioner. It is the aforesaid decision, which is the subject matter of challenge in this writ petition.

7. Before going into the *inter se* merits of the respective parties, at the outset, Shri Ghosh, learned counsel for the petitioner has fairly submitted that it appears from the affidavit-in-opposition filed by the IOCL dated 19.01.2021 that the matter has been taken in the proper perspective. He submits that as per the version, initially there were two defects noted regarding the plot of land offered by the petitioner. The first defect was with regard to registration of the Lease Deed which was presented for consideration. The said issue was however clarified that the plot of land being the district of KAAC which is an Autonomous Council under the 6th Schedule of the Constitution of India, there is no application of the Registration Act and therefore, the requirement of compulsory registration is not there. As regards the second issue with regard to certain anomalies in the Dag Number, the learned counsel for the petitioner submits that there is an indication that the authorities in question would reconsider the same.

In this connection, the response made in the affidavit-in-opposition filed on behalf of the respondent no. 6 on 27.03.2023 would be germane. The relevant paragraph 8 reads as follows.

“8. That Section 1(2) of the Indian Registration Act, 1908 provides that Indian Registration Act, 1908 is extended to the whole of India except part B States and such Districts or tracts of Country as the State Government may exclude from its operation. By the Notification issued under Section 1(2) of the Indian Registration Act, 1908, the United District of Mikir and North Cachar Hills except so much of the Barpathar and Sarupathar Mouzas as are included within

the District had been excluded from the operation of the said Act. United District of Mikir and North Cachar Hills District are presently named as Karbi Anglong District and Dima Hasao District. The Notification No.LRG.55/48/69 dated 10-03-1962 was issued for that purpose."

8. Shri Bhardwaj, learned Standing Counsel, IOCL fairly submits that the position of the IOCL has been candidly explained and stated in the affidavit-in-opposition which has been referred to above. He submits that the rejection has been done on certain ground which however may be reconsidered if the petitioner comes with proper explanation.

9. Ms. V. Shohe, learned counsel for the KAAC submits that Registration Act is indeed not applicable in the Council which is a 6th Schedule area.

10. Under the aforesaid facts and circumstances, this Court is of the opinion that this writ petition can be disposed of by remanding the matter to the appropriate authorities of the IOCL to re-examine the case by considering the explanation on both the counts, namely, the issue of registration of the Lease Deed as well as the anomalies which has been rectified by the petitioner regarding the Dag Number of the plot in question.

11. The petitioner is accordingly given the liberty to submit a fresh application containing the aforesaid explanation along with relevant documents within a period of 10(ten) days from today and on receipt of the same, the authorities in the IOCL would consider the same in the proper perspective and pass a speaking order within a period of 1(one) month from the date of receipt of such application.

12. The writ petition is accordingly disposed of.

JUDGE

Comparing Assistant