



W.P.(MD)No.1093 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.11.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.1093 of 2020

and

W.M.P.(MD).No.887 of 2020

Prabakaran Chelliah

... Petitioner

Vs.

1.The Bharat Petroleum Corporation Limited,
Represented by its Regional Manager (LPG) (State Head),
Chennai.

2.The Territory Manager(LPG, Tanjore),
The Bharat Petroleum Corporation Limited,
Tanjore LPG Territory,
M.G.M.TB Sanitorium P.O.
Sengipatti, Thanjavur-613 402.

3.The Kalayarkovil Panchayat Union,
Represented by its Executive Officer
Cum Block Development Officer,
Kallayarkovil,
Sivagangai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for records relating to the impugned order made by the 2nd respondent in his



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proceedings in TNJ:LPG:DKV(MALLAL) dated 19.12.2019 and quash the same as illegal and consequently direct the respondent to consider the petitioner's candidature for award of LPG distributorship at Mallal, Sivagangai.

For Petitioner : Mr.R.Rameez Ajmal Khan
For R-1 & R-2 : Mr.Nateshraaja
For R-3 : Mr.R.Ragavendran,
Government Advocate

ORDER

This Writ Petition has been filed challenging the impugned proceedings of the second respondent dated 19.12.2019 and for a consequential direction to the Bharat Petroleum Corporation to consider the candidature of the petitioner to award LPG Distributorship.

2. When the matter came up for hearing on 03.10.2023, this Court passed the following order.

“Heard the learned counsel appearing on behalf of either side.

2. The second respondent through the impugned proceedings dated 19.12.2019 has held the petitioner to be ineligible for LPG



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Distributorship on two grounds and they are:

(a) The petitioner must possess a property with minimum dimensions 15 metres x 16 metres, whereas, the land for godown possessed by the petitioner was found with dimensions 400 metres x 401 metres.

(b) The land that was shown for LPG godown is located in a place which is not the advertised location.

3. Insofar as the first ground for rejection is concerned, the learned counsel appearing for the petitioner submitted that the land in possession of the petitioner is much larger than the minimum dimensions that are required under the guidelines issued by the respondents. Insofar as the second ground for rejection is concerned, the learned counsel submitted that Saatharasankottai Village falls within Mallal Panchayat and this Panchayat has specifically been stated even in the application issued by the respondents. The learned counsel also brought to the notice of this Court the Certificates issued by the Block Development Officer of Mallal Panchayat and the Village Administrative Officer. The learned counsel also



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brought to the notice of this Court the definition of a location under the guidelines issued by the respondents which states that it can be a locality/village/cluster of villages. Hence, it was contended by the learned counsel appearing for the petitioner that the concerned Village very much falls within the cluster of villages. In view of these submissions, the learned counsel sought for interference of this Court and for further directions to the respondents to award LPG Distributorship to the petitioner.

4. The learned counsel appearing on behalf of the respondents submitted that the lease deed that was relied upon by the petitioner did not describe in the schedule with regard to minimum dimensions that are required as per the guidelines and hence, the petitioner was non-suited on that ground. Insofar as the second ground of rejection is concerned, the learned counsel submitted that the Distributorship was supposed to be located at Mallal and the petitioner was not admittedly locating the Distributorship at Mallal, whereas, the petitioner wanted to locate the godown at Saatharasankottai Village which did not fall within the advertised location.



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5. *The learned counsel appearing for the respondents wanted to file a formal counter in this case and take a specific stand in this Writ Petition.*

6. Post the matter on 06.11.2023 under the caption “For Orders”. “

3. Pursuant to the above order, the second respondent has filed a counter affidavit and the relevant portions are extracted hereunder:

“5. With respect to averments in 6, it is respectfully submitted that as per the paragraph as per the specified criteria, the petitioner was required to own a plot of land of minimum dimensions 15 Metre x 16 Metre in and within the village or cluster of villages limit as per advertised location i.e. Mallal, as per unified Guidelines For Selection of LPG Distributors Selection dated June 2017, Clause no.8, Sub Clause (m). The petitioner herein had mentioned in his application that he is in possession of a suitable portion of land for Godown under self-registered at Survey no. 82/1B with dimensions of 400 Metre X 401 Metre However during the Field Verification of credentials, it was found that the land shown for LPG Godown was situated in Survey No. 82/1B Satharasankottai Village which



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is not falling within the advertised location "Mallal". As the information provided in the application was found to be false, the candidature of the petitioner was cancelled vide letter dated 19.12.2019.

6. Is respectfully submitted that the petitioner herein had mentioned in his application that the land for constructing LPG Cylinder godown is situated under Survey no 82/1B, Village Saatharasankottai, Kalayarkovil Taluka, Sivaganga District. The petitioner had also declared that the said village is falling under the cluster of villages for the advertised location. However During Field Verification, it was observed that the land under registered lease deed bearing survey No: 82/1B is situated in Saatharasankottai village and is not located in the advertised location. The location of the land was checked with the Village Administrative Officer Mallal and he had issued a certificate that the land bearing survey No 82/1B is situated comes under Saatharasankottai village which is different from Mallal Village. In view of the same, the candidature of the petitioner was rejected."



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4. Heard the learned counsel on either side.

5. As recorded supra, two grounds are put against the petitioner. The first ground is with regard to the size of the property and the second ground is with regard to the location of the property. It will suffice if the second ground is taken into consideration by this Court, since if the petitioner's property does not fall within the locality, it is not necessary for this Court to go into the size of the property. The relevant portions in the advertisement that was issued by the second respondent is extracted hereunder:

அட்டவணை-B

வ	எண்ணெய் நிறுவனம்	அமைவிடம்	கிராம பஞ்சாயத்து	துணை பிரிவு (Sub Division)	வட்டாரம் (Block)	மாவட்டம்	பிரிவு	சந்தையின் பிரிவு (Tupe of Market)	வைப்புத் தொகை (Rs. In Lakhs)	சந்தைப்படுத்தும் திட்டம் (Marketing Plan)	குறிப்பு
1	IOC	நொடியூர்	நொடியூர்	புதக்கோட்டை	கத்தர்வக்கோட்டை	புதக்கோட்டை	OPEN	DKV	4	2017-2018	Re-advt
2	IOC	துலையாந்தம்	துலையாந்தம்	முசிறி	தாத்தையங்கார்பேட்டை	திருச்சிராப்பள்ளி	OBC	DKV	3	2017-2018	Re-advt
3	HPC	டி எடையாபட்டி	டி எடையாபட்டி	கடவூர்	கடவூர்	கரூர்	OPEN	DKV	4	2017-2018	Re-advt
4	BPC	மல்லல்	மல்லல்	சிவகங்கை	காளையார்கோவில்	சிவகங்கை	OBC	DKV	3	2017-2018	Re-advt

6. On a plain reading of the advertisement, it is seen that the land for the construction of the godown must be situated at Mallal Village. The case of the petitioner is that Satharasankottai Villagae falls within Mallal Village and as per the definition of a location as provided under the



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Guidelines, it can be a locality / village / cluster of villages / town or city which is mentioned in the notice for appointment of LPG distributors. According to the petitioner, Satharasankottai Village falls within the cluster of villages in Mallal.

7. The specific stand that has been taken in the counter by the Petroleum Corporation is that the locality for putting up the godown must be at Mallal Village and not in Satharasankottai Village. This Court has to necessarily read the advertisement and understand the same without expanding its scope. It is seen that the location of the godown was intended to be only in Mallal which falls within the Mallal Panchayat and just because, Satharasankottai Village forms part of the cluster of the villages, that does not mean that the location of the godown could be made at Satharasankottai Village. To put it in simple terms, the location of the godown was intended to be only at Mallal Village and not at Satharasankottai Village. If any other interpretation is given, it will go against the very advertisement that was issued by the respondent Corporation. This Court exercising its writ jurisdiction cannot give a different interpretation than what was intended by the respondent



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8. In the light of the above discussion, there is no scope to interfere with the decision taken by the Bharat Petroleum Corporation. Accordingly, this Writ Petition stands dismissed. The petitioner had made some deposits at the time of participating in the selection process and the petitioner had sought for refund of the same. The same shall be considered by the second respondent in line with Clause 26 (b) of the Guidelines and the amount that is refundable to the petitioner, shall be refunded within a period of four (4) weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petition is closed.

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NCC:yes/no
Index:yes/no
Internet:yes/no
tsg

To
The Executive Officer
Cum Block Development Officer,
Kalayarkovil Panchayat Union,
Kallayarkovil,
Sivagangai District.



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N.ANAND VENKATESH, J.

tsg

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