

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 9TH DAY OF NOVEMBER 2015/18TH KARTHIKA, 1937

WP(C).No. 14586 of 2014 (W)

PETITIONER :

TINU THOMAS AGED 28 YEARS
SON OF K.K. THOMAS, KOYIKKATTIL HOUSE,
NADAVAYAL P.O., WAYANAD - 670 721.

BY ADVS.SRI.B.ASHOK SHENOY
SMT.C.G.PREETHA
SRI.K.V.GEORGE
SRI.P.N.RAJAGOPALAN NAIR

RESPONDENTS :

1. INDIAN OIL CORPORATION LIMITED
REPRESENTED BY ITS CHIEF AREA MANAGER
KOZHIKODE AREA OFFICE, 2ND FLOOR, PMK TOWERS
CIVIL STATION POST, WAYANAD ROAD, KOZHIKODE - 673 020.

*ADDL. R2 IMPEADED :

*2. NOUSHAJA S.M
W/O.ABDUL SHAMEER, NIJAB MANZIL, MUNDAKUTTY PO.
VYTHIRI TALUK, WAYANAD DISTRICT - 670 645.

*ADDL.R2 IMPEADED AS PER ORDER DATED 09.12.2014 IN IA 15395/14.

R1 BY ADVS. SRI.M.GOPIKRISHNAN NAMBIAR
SRI.P.GOPINATH
SRI.P.BENNY THOMAS
SRI.K.JOHN MATHAI
SRI.JOSON MANAVALAN
SRI.KURYAN THOMAS
ADDL. R2 BY SRI.GEORGE THOMAS (MEVADA) SENIOR ADVOCATE
BY ADV. SRI.MANU GEORGE KURUVILLA
BY ADV. SRI.AMAL GEORGE

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 09-11-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:

bp

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1 :** TRUE COPY OF ADVERTISEMENT OF APPOINTMENT OF LPG DISTRIBUTORS ISSUED BY RESPONDENTS IN THE MALAYALA MANORAM, DAILY DATED 25.09.2013.
- EXHIBIT P2 :** TRUE COPY OF APPLICATION FOR LPG DISTRIBUTORSHIP, DATED 25.10.2013 SUBMITTED BY PETITIONER TO RESPONDENT.
- EXHIBIT P3 :** TRUE COPY OF LETTER NO.KAO/MANANTHAVADI/140 DATED 21.11.2013 ISSUED BY RESPONDENT TO PETITIONER, WITH RECEIPT FOR RS.1,000/- ATTACHED THEREWITH.
- EXHIBIT P4 :** TRUE COPY OF LETTER NO.KAO/MANANTHAVADI/140 DATED 17.12.2013 ISSUED BY RESPONDENT TO PETITIONER.
- EXHIBIT P5 :** TRUE COPY OF LETTER DATED 09.01.2014 SUBMITTED BY PETITIONERS TO RESPONDENT.
- EXHIBIT P6 :** TRUE COPY OF LETTER NO.KAO/MANANTHAVADI/140 DATED 25.04.2013 ISSUED BY RESPONDENT TO PETITIONER.
- EXHIBIT P7 :** TRUE COPY OF REGISTERED LEAS DEED NO.3067 OF 2013 DATED 23.10.2013 OF MANANTHAVADY SUB REGISTRY
- EXHIBIT P8:** COPY F PRINT OUT OF MAP OF MANANTHAVADY PUBLISHED BY GOOGLE MAPS ON THEIR WEBSITE.

RESPONDENT(S)' EXHIBITS :

- EXT.R2(a):** COPY OF THE BROCHURE ON GUIDELINES OF SELECTION OF REGULAR LPG DISTRIBUTORS AUGUST 2013.
- EXT.R1(a):** COPY OF THE RELEVANT PAGES OF THE BROCHURE ON GUIDELINES FOR SELECTION OF REGULAR LPG DISTRIBUTORS, AUGUST, 2013.

//TRUE COPY//

P.A. TO JUDGE

bp

A.MUHAMED MUSTAQUE, J.

W.P(C)No. 14586 of 2014

Dated this the 9th day of November, 2015

J U D G M E N T

Petitioner applied for regular L.P.G. Distributorship for the location of Mananthavady as notified in Ext.P1. His application has been rejected stating that the show room offered by the petitioner does not fall within the advertised location viz., Mananthavady.

2. Petitioner challenges the rejection of his application. Ext.P6 is the rejection order.

3. It is to be noted that the additional second respondent has been now selected, based on the draw for LPG Distributorship in Mananthavadi.

4. Learned counsel for the petitioner submits that the rejection is unsustainable. The advertisement only refers to the location- Mananthavady. Therefore, anywhere in the Mananthavady Grama Panchayath, the petitioner can provide the showroom. Further, the

radius for the operation of the showroom, in which any distributor can operate, is 15 kms. Therefore, the petitioner's application ought not have been rejected. Petitioner contends that the location proposed by him for setting up the showroom is Valliyoorkavu, which is within the Mananthavady Grama Panchayath.

5. In the counter affidavit filed by the additional second respondent, it is submitted that the showroom was shown as Valliyoorkavu and not within the advertised location of Mananthavady. Valliyoorkavu is falling in the Payampilly village of Mananthavady Grama Panchayat and it is four kilometres away from Mananthavady Town.

6. The question for consideration is whether rejection is valid or not. The advertisement clearly indicates that the invitation for L.P.G.Distributorship was based on the location. When the location is clearly stated as Mananthavady, it does not refer to the identification based on the revenue district or revenue bifurcation such as Taluk,

Village etc. The petitioner cannot now prefix the condition that invitation for L.P.G.Distributorship was within the Mananthavady Grama Panchayat. Nowhere in the advertisement, it is stated that invitation was for the award of L.P.G.Distributionship in the Mananthavady Grama Panchayat. Petitioner cannot expand or widen the scope of invitation. The first respondent rejected the application as the proposed location is not within Mananthavadi. In that view of the matter, there is no merit in this writ petition and accordingly, the same is dismissed. No costs.

A.MUHAMED MUSTAQUE,
Judge

MBS/

