

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 11.12.2015

CORAM

THE HONOURABLE MR. JUSTICE M.M.SUNDRESH

W.P. No.11269 of 2014
& M.P.Nos.1 of 2014 & 2 of 2015

K.Kalai

..Petitioner

Vs.

- 1.Indian Oil Corporation Ltd.,
Rep.by its Executive Director,
Indian Oil Bavan,
No.139, Nungambakkam High Road,
Chennai - 600 034.
- 2.Senior Area Manager,
Indian Oil Corporation Ltd.,
Triveni, 2nd Floor, B-35, Shastri Road,
Thillai Nagar, Trichy - 620 018.
- 3.A.Vijayamaharajan
- 4.The District Collector,
O/o.The District Collector,
Nagapattinam District.
- 5.Head Quarters Deputy Tahsildar-cum-
Public Information Officer,
Thirukkuvalai.
- 6.The Tahsildar,
Thirukkuvalai.
[R-4 to R-6 are impleaded as per order
dated 04.03.2015 in M.P.No.1/2015 in
W.P.No.11269 of 2014]

..Respondents

PRAYER : Writ petition has been filed under Article 226 of The Constitution of India to issue a Writ of Prohibition, prohibiting the respondents 1 and 2 from issuing a Letter of Appointment or Letter of Intent appointing the third respondent as the Rajiv Gandhi Grama L.P.G. Vitarak [LPG Dealer] for Thirukkuvalai / Kolappadu / Esanur / Ettukudi, Nagapattinam District.

For Petitioner	:	Mr.R.Subramanian
For Respondent No.1	:	No Appearance
For Respondent No.2	:	Mr.R.Ravi
For Respondent No.3	:	Mr.S.Sounthar
For Respondent Nos.4 to 6	:	Mr.S.Govindasamy
		Additional Government Pleader

O R D E R

The petitioner along with the third respondent took part in the selection for the LPG distributionship under Rajiv Gandhi Grama L.P.G. Vitarak Scheme. As against the petitioner, the third respondent was found eligible and accordingly, he was declared as the selected candidate. In pursuant to the same, he was also issued a letter of intent.

2.The petitioner has come forward to file this Writ Petition on the sole ground that the third respondent is not a resident of Thirukkuvalai, which is a mandatory requirement for being considered towards the dealership. The learned counsel for the petitioner made reliance upon the reply obtained under Right to Information Act, which states that there is no record in the prescribed format as mandated by the respondent Nos.1 and 2.

3.The learned counsel for the second respondent submitted that on enquiry, it was found that the Tahsildar has issued such certificate in reply to information sought for under Right to Information Act. The said reply merely speaks about the upkeep of the record in the prescribed format as required by the second respondent. Thus, in the absence of any contra evidence, no interference is required. It is also submitted that in pursuant to the letter of intent issued, the third respondent has completed the formalities and had obtained the building licence and explosive licence.

4.The learned counsel for the third respondent submitted that the sale deed dated 02.06.2013, which is much prior to the letter of intent dated 21.02.2014, would show that the petitioner is a resident of Kundaiyur Village. Basing reliance upon the residential certificate dated 02.07.2013, it is submitted that Kundaiyur is a hamlet of Thirukkuvalai Village, which in turn is situate in Thirukkuvalai Taluk.

5.This Court is not inclined to go into the disputed questions of fact. On enquiry, the Tahsildar, who issued the certificate, had stated that he did not issue the same. The information given under the Right to Information Act is only with reference to the certificate in the prescribed format. Thus, in the absence of any concrete materials in support of the

contention of the petitioner, this Court is not inclined to allow this Writ Petition by conducting a roving enquiry.

6. Accordingly, this Writ Petition is dismissed. However, liberty is given to the petitioner to work out his remedy in the manner known to law by making an application to the District Collector on the question as to whether the third respondent is in fact residing in the place as stated by him. No costs. Consequently, connected miscellaneous petition is dismissed.

Sd/
ASSISTANT REGISTRAR (CS-II)

/TRUE COPY/
SUB-ASSISTANT REGISTRAR

sri

To

1. The District Collector,
O/o. The District Collector,
Nagapattinam District.
2. Head Quarters Deputy Tahsildar-cum-
Public Information Officer,
Thirukkuvalai.
3. The Tahsildar,
Thirukkuvalai.

+1 CC to MR. S. Sounthar Advocate. SR.NO. 66694
+1 CC to MR. R. Subramanian Advocate. SR.NO. 66671
+1 CC to MR. R. Ravi Advocate. SR.NO. 66574

सत्यमेव जयते W.P. No.11269 of 2014

CO-SK
JD 28/12/2015

WEB COPY