

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2015

CORAM

THE HON'BLE Mr. JUSTICE M.M.SUNDRESH

W.P.Nos.29341 & 30457 of 2012
& W.P.No. 8404 of 2013
& connected M.Ps.

G.Padmapriya ... Petitioner in
W.P.Nos.29341 & 30457/12

S.Ananada Kumar ... Petitioner
in W.P.No.8404 of 2013

-vs-

1.The Chief Area Manager,
Indian Oil Corporation Limited,
Indane Area Office,
No.500, Anna Salai,
Teynampet, Chennai 600 018.

... 1st respondent in
W.P.Nos.29341 & 30457/12
& Respondent in WP.8404/13

2.The Tahsildar,
Chengam Taluk, Chengam,
Tiruvannamalai District.

...2nd Respondent in
W.P.Nos.29341 & 30457/12

Writ Petition W.P.Nos.29341 & 30457/12 filed under Article 226 of The Constitution of India praying to issue a writ of Certiorarified Mandamus calling for the entire records relating to the impugned order passed by the first respondent in his Ref.No.CHAO: 105/RGGLV3/PUDPLM/02, dated 16.10.2012 & 30.10.2012 respectively and quash the same and consequently direct the first respondent to issue letter of intent to opening the gas agency to the Petitioner for running gas agency at Pudupalayam Area, Chengam Taluk, Tiruvannamalai District.

Writ petition in W.P.No.8404 of 2013 under Article 226 of The Constitution of India praying to issue a writ of Mandamus directing the respondent to pass orders allotting the petitioner the LPG Distributorship and issue letter of intent under RGGLV Scheme as per the Communication of the respondent dated 8.8.2012.

For Petitioner in
W.P.Nos.29341 & 30457/12 : Mr.C.Prakasam
For Petitioner in
W.P.No.8404 of 2013 : Mr.N.Rajasenthoorpandian

For Respondent-1 : Mr.R.Ravi
For Respondent-2 : Mr.S.Pattibaraman, GA

COMMON ORDER

Since the issue involved in all these writ petitions is one and the same, they are taken up together and a common order is being passed.

2. Petitions in W.P.Nos.29341 & 30457 of 2012 have been filed by the very same petitioner. W.P.No.8404 of 2013 has been filed by the petitioner, who seeks a direction to the respondent to pass orders allotting the petitioner the LPG Distributorship and issue letter of intent under RGGLV Scheme as per the Communication dated 8.8.2012, pursuant to the impugned order passed in other two writ petitions.

3. In so far as W.P.No.30457 of 2012 is concerned, the allotment made in favour of the petitioner for LPG Distributorship was cancelled based upon the proceedings of the District Collector dated 15.10.2012. Therefore, the petitioner ought to have challenged the said order, though it is contended before this Court that the same has not been communicated nor she was put on notice.

4. Now, learned counsel for the official respondents produced a copy of the proceedings of the District Collector, Tiruvannamalai, dated 15.10.2012 and a perusal of the same would show that the Tahsildar had already cancelled the nativity certificate issued to the petitioner in and by way of his subsequent certificate in No.C2/14355/12 dated 12.09.2012. Thus, W.P.No.30457 of 2012 cannot be allowed in favour of the petitioner unless and until the order passed by the Tahsildar, Chengam, cancelling the certificate dated 12.09.2012 and the subsequent order passed by the District Collector dated 15.10.2012 is set aside.

5. Accordingly, W.P.No.30457 of 2012 is dismissed giving liberty to the petitioner to work out the remedy in the manner known to law. In view of the order being passed in W.P.No.30457 of 2012, the order impugned in W.P.No.29341 of 2012 has become infructuous. Hence, the same is dismissed as infructuous. It is made clear that the dismissal of the two

writ petitions in W.P.Nos.29341 & 30457 of 2012 are not on merit and only based upon the orders produced before this Court cancelling the residence certificate. The petitioner can seek appropriate relief as against the official respondents therein.

6. In view of the above said order passed in W.P.Nos.29341 and 30457 of 2012, this Court is not inclined to pass any order in W.P.Nos.8404 of 2013 as it is for the official respondents to pass necessary orders. Hence, W.P.No.8404 of 2013 is closed with the above observation. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To,

1.The Chief Area Manager,
Indian Oil Corporation Limited,
Indane Area Office, No.500, Anna Salai,
Teynampet, Chennai 600 112.

2.The Tahsildar,
Chengam Taluk, Chengam,
Tiruvannamalai District.

+1cc to the Government Pleader, S.R.No.68267

+ 2 ccs to Mr.C.Prakasam, Advocate Sr 68460 (25/1/16)

+ 1 cc to Mr.R.Ravi, Advocate Sr 68150 (25/1/16)

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W.P.Nos.29341 & 30457 of 2012
& W.P.No. 8404 of 2013

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