

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.25253 OF 2008

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ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioner to declare the inaction of respondent Nos.1 and 2 in rejecting the application of the 3rd respondent, as illegal and arbitrary, and consequently direct respondent Nos.1 and 2 to reject the application of the 3rd respondent, thereby selecting the petitioner as eligible candidate for LPG Distributorship at Dhone, Kurnool District.

The 3rd respondent filed a counter affidavit denying all the allegations made by the writ petitioner.

The main contention of the learned counsel for the petitioner is that the petitioner stood in second place in the empanelled list prepared by the HPCL for the Distributorship, while the 3rd respondent stood in the first place. As per clause 13(2) of HPCL, the lease deed submitted by the 3rd respondent, is a fake document and though the petitioner made a complaint in that regard to the 2nd respondent, the respondents are trying to allot the distributorship in favour of the 3rd respondent.

In contra, learned counsel for the 3rd respondent submits that the contention of the petitioner that the lease deed is a forged one is not supported by any document. He would further submits that WP No.33391 of 2010 filed by the petitioner was dismissed as withdrawn and another WP No.23498 of 2010 filed by the petitioner was dismissed on merits. The petitioner also moved O.S. No.84 of 2008 and the same was dismissed as withdrawn. He further submits that the 3rd respondent has already been allotted Distributorship and continuing the same.

It is evident from the record that the 3rd respondent has already been awarded LPG Distributorship by the HPCL. If the document submitted by the 3rd respondent is a forged one, it is for the 1st respondent, who is competent, to verify the same. After satisfying that the documents submitted by the 3rd respondent are in accordance with law, the official respondents have allotted the distributorship to the 3rd respondent. Earlier also, the writ petitions filed by the petitioner against the 3rd respondent on various grounds, were ended in dismissal. Therefore, this Court is of the view that there are no merits in this writ petition.

Accordingly, the writ petition is dismissed as devoid of merits. There shall be no order as to costs. The miscellaneous petitions pending, if any, shall stand closed.

RAJA ELANGO, J

February 02, 2015.

KTL