

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.11.2016

CORAM

THE HONOURABLE Mr.JUSTICE B.RAJENDRAN

WP.No.38102/2016 & WMP No.32664/2016

S.Jawaharlal .. Petitioner
...Vs...

The Senior Area Manager
Chennai Area, Indian Oil Corporation
Limited, Marketing Division, No.500,
Anna Salai, Teynampet, Chennai-600 018. .. Respondent

Prayer: Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of mandamus directing the respondent to consider the claim of the petitioner on the basis of the representation dated 28.10.2016 seeking awarding of LPG Distributorship at Tirupattur, Vellore Distirct, consequent upon being selected by draw of lots under the open category.

For Petitioner : Mr.L.Chandrakumar
For Respondent : Mr.Mohamed Fayaz Ali

ORDER

Heard the learned counsel for the petitioner and Mr.Mohamed Fayaz Ali, learned standing counsel who accepts notice on behalf of the respondent and with the consent on either side, the writ petition is taken up for final disposal.

2 The case of the petitioner is that he was selected under open category for LPG Distributorship in Tirupattur, Vellore District, by drawal of lots and on scrutinising, it was found that the petitioner did not maintain a minimum amount of Rs.10 lakhs for Urban-Rural Market for location reserved under open category. But the fact remains, according to the petitioner, that he was having a balance of Rs.10 lakhs in the Savings Bank Account, Canara Bank ; but the said balance amount was not shown as the funds available as on 22.10.2013, i.e., the last date of application. Hence, by proceedings dated 11.10.2016, the petitioner was directed to clarify and rectify the said mistake, failing which, his selection would be cancelled. Pursuant to the same, the petitioner furnished the details of maintaining the balance amount of Rs.10 lakhs in Madapalli Farmers Service Cooperative Society Limited, to which, the respondent vide proceedings dated 20.10.2016, informed the petitioner that maintenance

of the balance amount in a Cooperative Society is not acceptable and that he should maintain the same either in a Bank or in a Post Office and the time for compliance was extended till 31.10.2016. The petitioner, in furtherance of the same, on 28.10.2016, submitted the requisite details as required by the respondent. But, the respondent, by rejecting the petitioner's legal claim on a very trivial consideration that the petitioner has not maintained the balance amount as on the last date of the application and is attempting to give the LPG Distributorship to some other third parties and hence, the petitioner has come before this Court by filing the present writ petition seeking direction to the respondent to consider the petitioner's representation dated 28.10.2016.

3 Mr.Mohamed Fayaz Ali, learned Standing counsel appearing for the respondent would fairly submit that the respondent is ready and willing to consider the petitioner's representation dated 28.10.2016 on merits and in accordance with law.

4 In view of the above submission, there will be a direction to the respondent to consider and dispose of the petitioner's

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AP

representation dated 28.10.2016 on merits and in accordance with law. It is made clear that **till the disposal of the representation, the respondent shall not cancel the selection of the petitioner by drawal of lots under open category.**

5 The writ petition stands disposed of with the above direction. No costs. Consequently, the connected miscellaneous petition is closed.

03.11.2016

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To

The Senior Area Manager
Chennai Area, Indian Oil Corporation
Limited, Marketing Division, No.500,
Anna Salai, Teynampet, Chennai-600 018.

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