

HON'BLE SRI JUSTICE S.V. BHATT

W.P.No.13363 OF 2012

ORDER:

Heard Mr.M.Sikanth for petitioners, Mr.P.Venkat Swamy for respondents 1 and 2 and Mr.Sampath Prabakar Reddy for 3rd respondent.

The petitioners pray for Mandamus declaring the action of respondent Corporation in selecting the 3rd respondent for awarding distributorship under Rajiv Gandhi Gramin LPG Vitrak (RGGLV) for Sirampur Village of Karimnagar District, pursuant to the draw conducted on 24.02.2011, as illegal, arbitrary and contrary to the advertisement dated 30.03.2010.

On 30.03.2010, respondent Nos.1 and 2 issued advertisement calling for applications for appointment of distributors for supply of gas cylinders under RGGLV and Sirampur Village in Karimnagar district is one of the villages notified for appointment of a distribution agency. The subject agency falls under open category. The petitioners have applied and on 16.02.2011, the 2nd respondent informed that the petitioners were qualified for draw for selection of RGGLV. The date of draw was intimated as 24.02.2011.

According to petitioners, the 3rd and 4th respondents are not residents of Sirampur Village. Therefore, shortlisting the names of eligible candidates by including respondents 3 and 4, is unsustainable and illegal. On 21.04.2011, the petitioners have complained to the 2nd respondent and the 2nd respondent replied that the complaint is investigated as per applicable circulars.

Apprehending further steps in the matter and considering the case of 3rd respondent for grant of agency, the instant writ petition has been filed.

The counsel appearing for the petitioners has substantially reiterated the very same objection in the oral submissions as well.

One K.Sailendra filed counter affidavit on behalf of 1st and 2nd respondents. The 2nd respondent has set out in detail the procedure followed for shortlisting the candidates, drawing lot, verification etc. It is stated that the complaints dated 28.02.2010 and 21.04.2011 were investigated and the allegation against 3rd respondent was not established and the allegation against 4th respondent was not investigated, for 4th respondent was not selected. Therefore, the allegation that the complaints were not considered is incorrect and untenable. The respondents justified selection of 3rd respondent as LPG distribution agent. The same does not suffer from infirmity or illegality.

The petitioners are found to be eligible along with 3rd respondent for shortlisting. Thereafter, the draw for selecting the candidate takes place. The 3rd respondent has produced the certificate issued by Tahsildar, Sirampur Mandal, ration card and voter ID card in support of his allegation that the 3rd respondent is both a native and resident of Sirampur Vilalge.

I have carefully considered the limited grievance of petitioners, the objective manner in which the 1st and 2nd respondents have acted and how the complaint is investigated.

Prima facie conclusions are recorded thereon. I do not see any infirmity or illegality in the selection of 3rd respondent for subject distribution agency. Further, this Court cannot sit as a Court of appeal and investigate the veracity of these details made either by the petitioners or the 3rd respondent. The 1st and 2nd respondents are competent and they are *prima facie* satisfied to the limited extent the law permits that the 3rd respondent qualifies for consideration. The 3rd respondent has also placed material in support of his assertion on the eligibility criteria. I have perused the material placed by 3rd respondent in the writ petition and the material supports the view taken by respondents 1 and 2.

The writ fails and is, accordingly, dismissed. There shall be no order as to costs.

Consequently, pending miscellaneous petitions in these writ petitions, stand closed.

S.V.BHATT, J

Date: 06.09.2016
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