

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.20073 of 2009

ORDER:

It is the case of the petitioner that the respondent-Corporation published a notification on 01-10-2007 in Eenadu Telugu Daily News Paper inviting applications for the appointment of LPG Distributor at Proddatur and allotment would be made for the category of Para Military/Police/Government Personnel category. Since the petitioner has possessed all the requisite qualifications, submitted application and mentioned in column No.13-A the dimensions of the plot 80 x 100 ft in Sy.Nos.202 and 203 and alternative plot with 90 x 100 ft in Sy.No.394. Both plots belong to one K.Sreenivasulu and they are situated in Modameedi Palli area of Proddatur Town. The petitioner produced the lease deeds and firm offer for a period of more than 15 years. The petitioner also enclosed copies of lease deed executed by the lesser on 20-10-2007 in his favour. The petitioner was instructed to appear for the interview before the committee on 22-12-2008 and he was placed at 2nd place having secured 102.7 points and the candidate, who was placed at Serial No.1 is shown to have secured 111 points and the 3rd candidate got about 91 points. The candidate at Serial No.1 was refused for allotment of distributorship on the ground of some

irregularities. Instead of allotting LPG distributorship to the petitioner, the respondents selected the candidature at Sl.No.3. The petitioner made representation on 04-03-2009. As there was no reply, the petitioner made another representation to the 1st respondent. The 1st respondent by letter dated 30-04-2009 informed the petitioner that the dimensions of the land are not tallying with the dimensions mentioned in column No.13-A of the application and the available land is not able to meet the minimum dimension criteria. As such, the petitioner made another representation on 18-05-2009 stating that the extent of the land furnished by him is suitable for construction of the godown and he also addressed another letter on 09-06-2009. The 1st respondent by letter dated 20-06-2009 informed that the land offered by the petitioner is not tallying with the dimensions mentioned in column No.13-A of the application and he was not given the LPG distributorship. Aggrieved by the same, the present writ petition is filed.

Counter is filed by the respondents admitting that the petitioner was placed at Sl.No.2 in the empanelled list. In the application form, the petitioner has shown two different sites for construction of godown under column No.13(A) (2). One site in Sy.Nos.202, 203 with dimensions of 800 x 100 feet and another site in

Sy.No.394 with dimensions of 90 feet x 100 feet in Mamidipalli Village, Proddatur Taluq. That the petitioner has already disposed of the site in Sy.No.394 and the site in Sy.Nos.202, 203 i.e. with the dimensions of 80 and 100 feet did not meet the minimum dimension criteria as laid down in 13-A of the application. It is stated in the application that dimensions of plot should be 27 x 26.15 meters (i.e.88.58 x 85.8 feet) and the land dimensions of the petitioner do not meet the eligibility criteria. Reply was given to the representations of the petitioner dated 18-05-2009 and 19-06-2009. The petitioner was aware of the dimensions fixed and the same was also stated in the application as 27 x 26 meters. The respondents are following industry norms and godown dimensions as stated in the application. There is no power to relax certain norms, which were already fixed. Even the application of the 3rd empanelled candidate is rejected. Because of the pendency of the writ petition, the respondents are not in a position to issue fresh notification and sought for dismissal of the writ petition.

This Court at the time of admission granted interim order to the effect that any allotment of LPG domestic distributorship shall be subject to the result of the writ petition.

Learned counsel for the petitioner seeks time for filing reply and the same is opposed by the counsel for the respondents stating that because of pendency of writ petition, they are unable to issue fresh notification, since the candidature at Sl.No.3 is also rejected.

In this case, it is to be seen that in Col.No.13-A of the application reads as follows:

13A-GODOWN FOR STORAGE OF LPG CYLINDERS

Specifications of Land for LPG godown
Minimum Dimensions of plot : 27 m x 26.15 m.

The land should be suitable. In contiguous plot, freely accessible through all weather motorable approach road. The plot should be free from overhead power transmission and telephone lines. Pipelines/Canals/Drainage/Nullahs/Public Roads should not pass through the plot.

Though it is asserted in the counter affidavit that the petitioner has disposed of the site shown in Sy.No.394 is dimensions 90 x 100", no reply affidavit is filed as on today, though time is sought earlier also. Admittedly, the site shown in Sy.Nos 202 and 203 does not meet the specifications as laid down in col.No.13-A of the application. It is also not the case of the petitioner that he has also challenged the rejection order dated 20-06-2009, wherein the petitioner was informed that the land shown by the petitioner for construction of LPG godown is not satisfying the minimum dimension

criteria specified for godown under item “13(A) of the application and the petitioner also informed that the land mentioned under (b) of para No.1 was unavailable for construction of godown and the same was confirmed by his letter dated 17-02-2009. Learned counsel for the petitioner says that the respondents have power to relax the same. The respondents have specifically stated in the counter that they have no power to relax the same. It is also the case of the petitioner that when the Chief Controller of Explosives has not disapproved for construction of godown, the respondents have no authority to cancel the same. As per 13-A of the application, specification is provided for and the petitioner has not fulfilled the same and he has not shown any guidelines conferring the powers on the respondents to relax the same. Though the counsel for the petitioner relied on 13-A3, the petitioner has not opted for that option in the application and even in the writ affidavit, he has not averred the same.

In view of the same, this Court cannot issue mandamus to the respondents to accept the land offered by the petitioner against the guidelines for selection of LPG distributorship and in view of the above facts and circumstances, I do not see any merit in the writ petition.

Accordingly, the writ petition is dismissed. As and when fresh notification is issued, it is open for the petitioner to participate in the same. As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY,J

19-10-2016
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