

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.13998 of 2013
Date of decision: 26.08.2016

Ritu Raj

... Petitioner

Vs.

Hindustan Petroleum Corporation Ltd. and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Vinod Bhardwaj, Advocate
for the petitioner.

Mr. Raman Sharma, Advocate
for respondents No.1 & 2.

Mr. R.K. Doon, AAG, Haryana
for respondents No.3 & 4.

Mr. Arun Jain, Senior Advocate with
Mr. Sunil Sharma, Advocate
for respondent No.5.

RAMESHWAR SINGH MALIK, J. (ORAL)

Instant writ petition is directed against the result dated 16.05.2012
(Annexure P-1), whereby respondent No.5 was selected for allotment of retail
outlet by the respondent Petroleum Corporation.

Notice of motion was issued and in compliance thereof, separate
written statements have been filed.

Heard learned counsel for the parties.

The only argument raised by learned counsel for the petitioner is

that respondent No.5 was not resident of Village Pabnawa, District Kaithal, which was the requirement for allotment of the retail outlet in question.

The solitary contention raised by learned counsel for the petitioner has been emphatically controverted by learned counsel for the respondent Petroleum Corporation as well as learned senior counsel for respondent No.5, referring to the relevant averments taken in their respective written statements. Respondent No.5 filed her written statement way back on 14.10.2013. Similarly, respondent Petroleum Corporation filed its written statement on 20.03.2014. However, no replication has been filed on behalf of the petitioner.

While filing written statement, respondent No.5 took two preliminary objections. The averments taken qua the abovesaid solitary contention raised on behalf of the petitioner, are contained in preliminary objection No.1 and the same read as under: -

“That the petitioner has filed the present writ petition by concealing the material facts of the case. It is submitted that the only requirement for obtaining retail outlet dealership was submission of “resident certificate” duly issued by the competent authority. The petitioner has mis-stated the facts and the contention raised by the petitioner, at the time of issuing notice of motion, is against the record. Apart from the fact that the ration card was neither part of the application submitted by the answering respondent before the Corporation nor it was required by the company. It may be submitted that the answering respondent is a permanent resident of village Pabnawa, District Kaithal. The answering respondent was married to Yogeshwar

Vyas on 12.12.2008 and her name was deleted from the ration card of her father vide entry dated 14.02.2010. A copy of the ration card is annexed with this written statement as Annexure R5/1. After marriage of the answering respondent with Yogeshwar Vyas the name of Yogeshwar was deleted from the ration card of his father vide entry dated 15.09.2011. A copy of the ration card in this respect is annexed with this written statement as Annexure R5/2. Further the answering respondent is annexing with this written statement a copy of ration card as Annexure R5/3 wherein names of her husband Yogeshwar Vyas, herself and her 2 years old son have been mentioned. In the said ration card the permanent address of the answering respondent has been mentioned as VPO Pabnawa District Kaithal. It is pertinent to mention that the husband of the answering respondent has ancestral lands, ancestral house as well as a dairy farm being run by him in village Pabnawa District Kaithal. The answering respondent after her marriage, has been residing with her husband at their ancestral house in village Pabnawa, District Kaithal.”

As noticed hereinabove, no replication has been filed by the petitioner to the written statements filed by the respondents, for the reasons best known to him. Further, learned senior counsel for respondent No.5 was well justified in referring to an inquiry report dated 23.04.2013 (Annexure R-5/6) available at page 166 to 168 of the paper book, to contend that this very complaint of the petitioner was thoroughly gone into by the competent

authority and it was found baseless. Respondent No.5 was found to be a bonafide resident of Village Pabnawa, District Kaithal.

In view of the abovesaid undisputed fact situation obtaining on the record, this Court is of the considered opinion that the respondent Petroleum Corporation committed no error of law, while allotting the retail outlet in favour of respondent No.5 and the impugned result (Annexure P-1) deserves to be upheld. Further, during the course of hearing, learned counsel for the petitioner could not substantiate his solitary argument noticed hereinabove. He also could not point out any prejudice, which might have been caused to the petitioner, while allotting the retail outlet in question to respondent No.5.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that present writ petition is wholly misconceived, bereft of merit and without any substance, thus, it must fail. No case for interference has been made out.

With the abovesaid observations made, present writ petition stands dismissed, however, with no order as to costs.

[RAMESHWAR SINGH MALIK]
JUDGE

26.08.2016
vishnu

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No