

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.19791 of 2012
Date of decision: 31.08.2016

Ranvir Singh and others

... Petitioners

Vs.

Union of India and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Ashwani Verma, Advocate
for the petitioners.

Mr. Anmol Pandit, Advocate for
Mr. A.K. Bansal, Advocate
for respondent No.1-UOI.

Mr. Raman Sharma, Advocate
for respondent No.2.

Mr. Mukesh Rao, Advocate
for respondent No.3.

RAMESHWAR SINGH MALIK, J. (ORAL)

Feeling aggrieved against the communication dated 01.03.2012 (Annexure P-14) passed by Territory Manager of Bharat Petroleum Corporation Limited-respondent No.2, whereby residence certificate of respondent No.3 was found to be correct, petitioners have approached this Court by way of present writ petition under Article 226/227 of the Constitution of India, seeking a writ in the nature of certiorari, for quashing the impugned communication.

Notice of motion was issued and in compliance thereof, written statement was filed on behalf of respondent No.2. A separate written statement was filed on behalf of respondent No.3.

Heard learned counsel for the parties.

It is a matter of record that after proper advertisement and following the due process, respondent No.2 allotted the retail outlet in favour of respondent No.3. The only issue that falls for consideration of this Court is about the residence certificate of respondent No.3. It is not in dispute that the retail outlet in question was advertised for village Aurangabad, Tehsil Hodal, District Palwal. After considering all the relevant factors, including merits and demerits of the contesting applicants, respondent No.3 was found most suitable and he was selected for allotment of the retail outlet.

However, before the Letter of Intent could be issued in favour of respondent No.3, petitioners have approached this Court by way of CWP No.100 of 2012 (Ranvir Singh and others Vs. Union of India and others), which was disposed of by this Court vide order dated 04.01.2012 (Annexure P-12), directing respondent No.2 to consider the factum of residence certificate of respondent No.3, after going through the relevant record and by passing a speaking order, before issuing of a Letter of Intent in favour of respondent No.3. In compliance of the order dated 04.1.2012 passed by this Court, respondent No.2 reconsidered the matter and after due examination of the issue, raised before him, impugned communication dated 01.03.2012 (Annexure P-14) was issued.

A bare reading of the impugned communication (Annexure P-14) would show that respondent No.2 committed no error of law, while accepting the residence certificate issued by the competent authority to be correct, whereby it was certified that respondent No.3 was resident of Village Aurangabad, Tehsil Hodal, District Palwal. Respondent No.2 has also placed on record Annexure R-1 along with its written statement, which has been duly

issued by the competent authority. In fact, Annexure R-1 contained the report furnished by Patwari Halqa, which was considered and verified to be correct by the Tehsildar.

This report dated 25.01.2012 (Annexure R-1), which is available at page 94 of the paper book, reads as under: -

“Sir

Hadbast number 83 as per revenue record is of village Aurangabad, Tehsil Hodal, District Palwal. Gopalgarh, Srinagar are part of village Aurangabad and these villages have no separate hadbast number in revenue record. As such Samayvir alias Sher Singh s/o Shiv Lal alias Shiva is resident of village Aurangabad, Tehsil Hodal, District Palwal by birth. Report is submitted for further necessary action. Residence certificate is attached which is correct. Submitted please.

*Sd/-
Patwari
25.1.12*

Endst no 534

Dated 25.1.12

Returned in original with the remarks alongwith report of Halka patwari, village Aurangabad, tehsil palwal. that in the revenue record hb no 83 is of village Aurangabad which comprises gopalgarh and Srinagar as part of Aurangabad. There is no separate hadbast in revenue record. As such Satyavir alias Sher Singh s/o Shiv lal alias Shiva is resident of village Aurangabad tehsil hodal distt palwal by birth. Residence certificate has been attached which is correct. Submitted for further necessary action.

*Sd/-
Tehsildar*

25.1.12”

It is also pertinent to note here that in compliance of the abovesaid order dated 04.01.2012 passed by this Court at Annexure P-12, when respondent No.2 was considering the matter again, report from the Tehsildar, Hodal was sought again, which is Annexure R-3 and the same reads as under: -

“From

Tehsildar, Hodal

To

Bharat Petroleum Corporation Limited,

Pyala Territory, L.P.G.

No: 579/reader

Dated: 24.2.2012

Subject: report and residential proof

With regard to subject mentioned above, your office letter no Pyala L.P.G Aurangabad dated 15.02.2012.

With regard to information demanded by you on the subject mentioned above, you have demanded the report vide order dated 28.11.2011. The order dated 28.11.2011 was not passed by this office but on this date the information received by the above mentioned officer was sent to patwari by way of official correspondence. But the information demanded has already been supplied vide letter no 5501, dated 18.03.2011 and that has been confirmed by this office vide letter no 534 dated 25.01.2012, which is right as per office record. Repeatedly the same thing is being asked where as the residential proof has already been confirmed. Therefore, the report is submitted.

Sd/-

Tehsildar Hodal

Dated 24.2.2012”

A perusal of the abovesaid two reports Annexures R-1 and R-3 attached with the written statement filed by respondent No.2 would show that the impugned communication dated 01.03.2012 (Annexure P-14) is not suffering from any patent illegality or perversity. Further, learned counsel for the petitioners could not point out any prejudice, which might have been caused to the petitioners, by passing the impugned order and the same deserves to be upheld, for this reason also.

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 having been found wholly misconceived, bereft of merit and without any substance, must fail. No case for interference has been made out.

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

[RAMESHWAR SINGH MALIK]
JUDGE

31.08.2016
vishnu

Whether speaking/reasoned Yes/No

Whether reportable Yes/No