

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

Civil Writ Petition No. 17051 of 2014

Date of Decision: 20.9.2016

Amaninder Singh

.....Petitioner

Vs.

Union of India and another

.....Respondents

**CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK**

Present : Mr. Sanjiv Gupta, Advocate  
for the petitioner.

Mr. Ashwinie Kumar, Advocate  
for the respondent-UOI.

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

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**RAMESHWAR SINGH MALIK J. (ORAL)**

Feeling aggrieved against the impugned communication dated 19.6.2013 (Annexure P-6), petitioner has approached this Court by way of present writ petition under Articles 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 has been filed on behalf of respondent No.2. However, no replication was filed by the petitioner.

Heard learned counsel for the parties.

The only short issue that falls for consideration of this Court is, as to whether the petitioner was having registered lease deed in his favour on the date of application for awarding distributorship in question.

It is a matter of record that advertisement was issued vide Annexure P-1 and last date for applying was 5.1.2012. Petitioner applied for the distributorship on the basis of unregistered lease deed and it was allotted to him. However, when the respondents sought to verify in this regard, it transpired that petitioner was not having any registered lease deed in his favour on the date of application or even up to the date of holding of draw for distributorship.

In view of the above, candidature of the petitioner was rejected vide impugned communication (Annexure P-6). Thereafter, the lease deed came to be registered in favour of the petitioner as late as on 27.9.2013 (Annexure P-8). It is also not in dispute that candidature of the petitioner was rejected only for want of registered lease deed in his favour at the relevant point of time. Having said that, this Court feels no hesitation to conclude that petitioner was not eligible for the distributorship in question, because he was not fulfilling the requirement of having a registered lease deed in his favour at the relevant point of time.

The abovesaid view taken by this Court also finds support from the judgment dated 8.9.2015 rendered by the Hon'ble Supreme Court in Civil Appeal Nos. 6928-6929 of 2015 (**Bharat Petroleum Corporation Limited and others Vs. Swapnil Singh**). The relevant observations made

by the Hon'ble Supreme Court in **Swapnil Singh's** case (supra), which can be gainfully followed in the present case, read as under:-

We have gone through the records of the case along with the assistance of learned counsel for the parties and we find that the brochure read with the application form is absolutely clear in the sense that the applicant must be the owner of the specified area of land or must have a registered lease deed of the specified area of land on the date of application. The admitted position (which is also clear from the counter affidavit filed by the respondent in this Court) is that on 13<sup>th</sup> September, 2011 when the application for allotment was made, the respondent was neither the owner of any land nor had any registered sale deed/lease deed in her name. In fact, the lease deed came into existence only on 20<sup>th</sup> December, 2012 and that was registered on 21<sup>st</sup>, December 2012. Clearly, on the date of the application, the respondent was not eligible in terms of the brochure and the application form.

The Calcutta High court has proceeded on the basis of a notarized lease agreement which appears to have been produced by the respondent before the High court. A photocopy of the notarized lease agreement has been shown to us and that document is dated 13<sup>th</sup> September, 2011. Learned counsel for the respondent has relied upon this document to contend that the respondent was eligible as on 13<sup>th</sup> September, 2011 in terms of the notarized lease

agreement.

We are unable to accept this contention of learned counsel for the respondent. The brochure and the application form clearly require the applicant to have a registered lease deed in her name. What is shown to us is a notarized document and admittedly this document, even though it may have been in existence, was formalised into a lease agreement only on 20<sup>th</sup> December, 2012 and that was registered on 21<sup>st</sup> December, 2012. The notarized document, therefore, does not advance the case of the respondent any further. Therefore, it is quite clear that the respondent was not eligible on the date of application, i.e., 13<sup>th</sup> September, 2011.

In view of what has been discussed hereinabove, it can be safely concluded that petitioner was not eligible either on the date of application or at the time of holding draw of lots. During the course of hearing, when confronted about the eligibility of the petitioner, learned counsel for the petitioner could not address any argument in this regard and rightly so, it being a matter of record. He could not refer to any relevant document which may even remotely suggest that petitioner was eligible at the time of draw of lots. In view of this undisputed fact situation obtaining in the present case, it can be safely concluded that respondent authorities committed no error of law, while issuing the impugned communication.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted

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

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

**(RAMESHWAR SINGH MALIK)**  
**JUDGE**

20.9.2016  
*Ak Sharma*

*Whether speaking/reasoned Yes/No*  
*Whether reportable: Yes/No*