

Civil Writ Petition No. 19558 of 2016

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Civil Writ Petition No. 19558 of 2016

Date of Decision: 11.11.2016

Sandeep Kumar

.....Petitioner

Vs.

The Bharat Petroleum Corporation Limited and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. G.S. Sidhu, Advocate
for the petitioner.

RAMESHWAR SINGH MALIK J. (ORAL)

Feeling aggrieved against the order dated 1.6.2016 (Annexure P-15) passed by respondent No.4, declaring petitioner as ineligible for allotment of the Regular LPG Distributorship, he 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 order.

When the case came up for hearing on 21.9.2016, following order was passed by this Court:-

“After arguing the case for some time, learned counsel for the petitioner seeks time to place on record additional documents to show that copy of demarcation report

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(Annexure P-13) was, as a matter of fact, supplied by the petitioner to the respondents well in time, before rejecting his candidature for want of eligibility, for the LPG distributorship in question”.

Heard learned counsel for the petitioner.

In compliance of the abovesaid order, petitioner did not place on record any relevant document, so as to show that demarcation report (Annexure P-13), was, as a matter of fact, supplied by the petitioner to the respondent authorities, before passing of the impugned order. In the absence of any other document, petitioner could have filed his specific affidavit in that regard, however, it has also not been done by the petitioner.

In the absence of any such averment taken in the writ petition, the impugned order has not been found to be suffering from any patent illegality or perversity and the same deserves to be upheld. Neither the petitioner has alleged any malafide against any of the respondent authorities, nor any such case was attempted to be made out on behalf of the petitioner. A bare reading of the impugned order would show that the respondent authorities proceeded, strictly in accordance with the relevant procedure laid down, before passing the impugned order.

The relevant part of the impugned order (Annexure P-15), which deserves to be noticed here, reads as under:-

“Your application was found to be eligible for the location Ludhiana (Dugri Road), district Ludhiana, Punjab and you were declared as selected candidate in the process of draw held at BPCL, Tel Bhawan, plot 6A, Sector 19B, Madhya Marg, Chandigarh on 21.10.2014.

As per the procedure, Field Verification of

Credentials (FVC) was carried out by a committee of one officer. The observations are as under:-

As per jamabandi of the land offered for godown, there are many co-owners in the said land at Khasra number 810/2 and 811/1.

As per clause No. 6 (vii) of Common Eligibility Criteria for all Categories applying as Individual as Brochure for regular LPG DISTRIBUTORS, March 2015- "In case the land is jointly owned by the applicant/member of 'Family Unit with any other person(s) and the share of the land in the name of applicant/member of the "Family Unit"/parents & grandparents (both maternal and paternal) of the applicant meets the requirement of land including the dimensions required, then that land for godown/showroom will also qualify for eligibility as own land subject to submission of 'No Objection Certificate' in the form of an Notarized Affidavit from other owner (s). Since you were unable to provide the no Objection Certificate from the co-owners, ownership status of the said land is not proved.

You were also given an opportunity to submit details of additional/alternate land. However, the same was confirmed by you in your letter dated 6.5.2016 that you do not have any alternate land neither in your name nor in your extended family unit's name to offer.

View above, your candidature is not found to be eligible for regular LPG distributorship at Ludhiana Dugri Road, District Ludhiana (Punjab)."

When confronted with the abovesaid factual aspect of the matter, obtaining on record of the case, learned counsel for the petitioner had

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no answer and rightly so, it being a matter of record. Further, no prejudice of any kind, whatsoever, has been shown, which might have been caused to the petitioner by passing of the impugned order, warranting interference at the hands of this Court, while exercising its writ jurisdiction under Articles 226/227 of the Constitution of India.

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 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

11.11.2016
Ak Sharma

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