

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.4.2017

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH

AND

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.A.No.1485 of 2015

and

M.P.No.1 of 2015

G.Saratharani

Appellant/Petitioner

Versus

1. The District Collector,
Namakkal District, Namakkal.

2. The Revenue Divisional Officer,
Tiruchengode, Namakkal District.

3. Bharat Petroleum Corporation Ltd.,
rep. by the Area Marketing Manager,
Tamil Nadu and Pondicherry,
No.1, Ranganthan Gardens,
Off: 11th Main Road,
Anna Nagar, Chennai-40.

4. S.Velusamy

Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 24.8.2015 passed in W.P.No.2194 of 2014 on the file of this court, filed order Article 226 of Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records of the Second Respondent in his proceedings in Na.Ka.No.400-2013-D, dated 8.7.2013 and quash the same and direct the first respondent to grant the BPC Dealership in favour of the Petitioner as per selection conducted on 23.1.2012.

For appellant

: Mr.P.Chandrasekar

For R1 and R2

: Mr.P.S.Sivashanmugasundaram
Special Government Pleader

For R3

: Mr.O.S.Karthikeyan

For R4

: ***Mr.R.Bharanidharan assisted by
Mr.P.Muthukumarasamy**

JUDGMENT

(Judgment of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned counsel appearing for the appellant, Mr.P.S.Sivashanmugasundaram, learned Special Government Pleader, who takes notice on behalf of respondents 1 and 2 and Mr.O.S.Karthikeyan, learned counsel who takes notice on behalf of the third respondent.

2. The writ appeal has been filed by the appellant/petitioner challenging the order of the learned Single Judge dismissing the writ petition filed by the appellant/petitioner which sought to quash the order passed by the second respondent-Revenue Divisional Officer, Thiruchengode, Namakkal District.

3. It appears that on the complaints made by the competitor of the petitioner in respect of Petroleum Retail Outlet Dealer, the entire proceedings were initiated. Based on the report submitted by the subsequent Tahsildar who was posted in the place of the Tahsildar who issued the residency certificate to the appellant/petitioner, the Revenue Divisional Officer appears to have cancelled the residency certificate contending that it was not a genuine one on the ground that there are mistake of facts in the certificate issued with regard to coverage of residence place of the appellant/petitioner within the Village concerned.

4. The case of the appellant/petitioner is that though she had been given in marriage, still she has hold with her parents and she has a shelter with her parents at the address furnished by her. Therefore, with regard to furnishing of nativity details, she cannot be found fault. Consequently, sofar as the registration of complaint by way of FIR against the petitioner is concerned, it is at the instance of the competitor of the petitioner and hence, it is totally unwarranted.

5. Of course, the Revenue Divisional Officer stands above the Tahsildar in the hierarchy. However, the Tahsildar is a competent person to issue such a certificate. If the certificate issued has got some false particulars, it is the District Collector who is the competent person and not the Revenue Divisional Officer to enquire into the matter. In the circumstances, any such certificate issued regarding residence cannot be faulted with.

6. In the circumstances, we allow the writ appeal, setting aside the order passed by the learned Single Judge. We make it clear that the appellant/petitioner can participate in the selection process of Retail Outlet Dealers. However, if there is any shortfall with regard to any other formalities, in her participation is concerned, it is between the appellant and the respondent-authority. No costs. The connected miscellaneous petition is closed.

Sd/-

Asst.Registrar (CS VIII)

Dated:15/06/2017

*Corrected as per the
Letter dated 03/07/2017

Sd/-

Assistant Registrar(CO)

Dated:05/07/2017

/true copy/

Sub Asst. Registrar

ssk.

To:

1. The District Collector,
Namakkal District, Namakkal. To be substituted the
order already despatched
on 23.06.2017
2. The Revenue Divisional Officer,
Tiruchengode, Namakkal District.

+1cc to Mr.P.Muthukumaresan,Advocate sr.23694

+1cc to Mr.OR.Santhanakrishnan,Advocate sr.23905

+1cc to Mr.P.Chandrasekar,Advocate sr.23921

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gjII(co)
ss(16/6/2017)
srg 05/07/2017