

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:21.03.2017

CORAM

THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.No.6773 of 2017

and

WMP.No.7341 of 2017

K.Kalai

...Petitioner

Vs

- 1) The Executive Director,
Indian Oil Corporation Limited,
Indian Oil Bhavan,
No.139, Nungambakkam High Road,
Chennai-600 034.
 - 2) The Senior Area Manager,
Indian Oil Corporation Limited,
Tiriveni, 2nd Floor, B-35, Shasthri Road,
Thillai Nagar, Trichy-620 018.
 - 3) A.Vijayamaharajan,
S/o.Anbalagan,
West Street,
Kundaiyur, Thirukkuvalai,
Nagapattinam District.
- ... Respondents

Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 and 2 to consider and pass orders on the representation of the petitioner dated 12.07.2016 by cancelling the L.P.G. distributorship to the 3rd respondent under Rajiv Gandhi Grama L.P.G. Vitarak Scheme at Thirukuvalai Taluk and consequently directing the 1st and 2nd respondents to grant the L.P.G. distributorship to the petitioner.

For Petitioner : Mr.R.Suresh Kumar
for M/s.K.M.Vijayan Associates.

For RR1 and 2 : Mr.Abdul Saleem

O R D E R

By consent, this writ petition is taken up for final disposal.

2. The petitioner would state that he along with others participated in the L.P.G. distributorship under Rajiv Gandhi Grama L.P.G. Vitarka Scheme, where the petitioner, the 3rd respondent herein and one Anbhazhagan was found eligible and as per the rules, the 3rd respondent alone was declared selected and a letter of intent was issued to 3rd respondent on 21.02.2014. The petitioner would further state that as per rules, one of the eligibility condition for the participant is that the applicant should be a resident of Thirukkuvalai Village. Whiles, the 3rd respondent being successful applicant was not a resident of Thirukkuvalai Village and the residential certificate issued by the Tahsildhar to the 3rd respondent is a bogus one and hence, the petitioner objected the grant of intent to the 3rd respondent. The petitioner also made a representation to the District Collector, questioning the residential certificate of the 3rd respondent as per order of this Court dated 11.12.2015. After detailed enquiry by the revenue officials, the District Collector, Nagapattinam by his proceedings dated 06.07.2016 canceled the resident certificate issued by the Tahsildhar to the third respondent. The petitioner further submitted that from the records, it is seen that the 3rd respondent and yet another contestant's residential certificates were canceled and as per rule they are not eligible for dealership. Thereafter, the petitioner sent a representation dated 12.07.2016, to the 1st and 2nd respondents seeking allotment of dealership in his favour. However, till date, no orders have been passed by the 1st and 2nd respondents. Hence, the petitioner has filed this writ petition.

3. Heard the submissions of Mr. R.Suresh Kumar representing counsel for M/s.K.M.Vijayan Associates, learned counsel appearing on behalf of the petitioner and Mr.Abdul Saleem, learned counsel appearing on behalf of first and second respondents.

4.The learned counsel for the petitioner would submit that though he had sought for a larger relief, he restricts his claim for a direction to the first and second respondents to consider his representation and pass appropriate orders.

5. Considering the facts and circumstances of this case, this Court directs the first and second respondents to consider and dispose of the petitioner's representation dated 12.07.2016 after giving due opportunity to the third respondent and pass orders on merits, in accordance with law within a period of six weeks from the date of receipt of a copy of this order.

6.This writ petition is disposed of accordingly. No costs.
Consequently, connected Miscellaneous Petition is also closed.

Sd/-
Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

To

1.The Executive Director,
Indian Oil Corporation Limited,
Indian Oil Bhavan,
No.139, Nungambakkam High Road,
Chennai-600 034.

2.The Senior Area Manager,
Indian Oil Corporation Limited,
Tiriveni, 2nd Floor, B-35, Shasthri Road,
Thillai Nagar, Trichy-620 018.

+1cc to M/S. K.M. Vijayan, Associates, Advocate Sr. 17528
+1cc to Mr. Abdul Saleem, Advocate Sr. 18205

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NRJK (CO)
VR(06/04/2017)

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