

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.11.2017

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THE HONOURABLE MR.JUSTICE K. RAVICHANDRABAABU

W.P.No.24686 of 2014

and

MP.No.2 of 2014

T.S.Natesh ... Petitioner

vs.

1. Government of India
Rep. by its Secretary
Ministry of Petroleum and Natural Gas
New Delhi.

2. The Indian Oil Corporation Ltd.,
Rep. by its Senior Area Manager,
(Marketing Division)
Indane Area Office : 8/1079
Avinasi Road
Coimbatore - 641 018,
Coimbatore District.

3. S.SivakumarRespondents

PRAYER:

Writ Petition No.24686 of 2014 filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, to call for the records of impugned notification dated 30.11.2013 issued by the 2nd respondent insofar as petitioner concern in Serial No.35 of Schedule B at Mookandapally / Kothakondapally for the appointment of LPG distributorship under "Rajiv Gandhi Gramin LPG Vitrak" Scheme and quash the same as illegal and against the object of said scheme.

For Petitioner : Mr.M.R.Jothimanian

For Respondents: Mr.J.Madanagopal Rao

Senior Panel Counsel for R1

Mr.Mohammed Fayaz Ali, for R2

Mr.G.Ethirajulu for

M/s.S.Sasikumar, R3

O R D E R

This writ petition is filed seeking for issuance of Certiorari, to challenge the notification dated 30.11.2013 issued by the second respondent insofar as Serial No.35 of Schedule B at Mookandapally / Kothakondapally for the appointment of LPG distributorship under "Rajiv Gandhi Gramin LPG Vitrak" Scheme.

2. Heard both sides.

3. The dispute raised in this writ petition is with regard to the location of LPG distributorship, which, according to the petitioner, ought to have been located at Kothakondapally, which is a village and not at Mookandapally, which comes within a Municipal area. Therefore, it is contended that the attempt of the respondents in locating such distributorship in a place other than Kothakondapally Village is against the very scheme viz., "Rajiv Gandhi Gramin LPG Vitrak".

4. This writ petition was filed before this Court on 10.09.2014. No doubt, that the petitioner has arrayed the third respondent as a party respondent. However, the fact remains that even as on the date of filing the writ petition, the third respondent was selected and allotted the distributorship to locate the same at Mookandapally and such selection and allotment is not questioned by the petitioner. If the petitioner is having any grievance about such location, it cannot be agitated merely by challenging the impugned notification, especially when such notification is clear and categorical terms referred to as the location of the place as Mookandapally / Kothakondapally. Therefore, the petitioner cannot find fault with the respondents in locating the distributorship at Mookandapally as the very intention of the respondents in locating the same in any one of those places is very evident and apparent on the face of the very notification itself. If the petitioner is seeking for location of LPG distributorship within the village itself, he can very well make a representation to the concerned Oil Corporation, by bringing out the facts and circumstances warranting such location in the interest of Public. If any such representation is made, it is for the Oil Corporation to consider and decide, by taking note of the need and necessity of such particular area. Therefore, I find that the present challenge made in this writ petition cannot be entertained and accordingly, the writ petition is dismissed, however, by granting liberty to the petitioner to approach the second respondent Oil Corporation, by making a specific request for locating LPG distributorship at his Village. If any such request is made, it is for the second respondent Oil Corporation to consider and pass appropriate

orders as per the Scheme, without loss of further time. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

mk

To

1. The Secretary
Government of India
Ministry of Petroleum and Natural Gas
New Delhi.

2. Rep. by its Senior Area Manager,
The Indian Oil Corporation Ltd.,
(Marketing Division), Indane Area Office : 8/1079
Avinasi Road, Coimbatore - 641 018,
Coimbatore District.

+1cc to Mr.M.R.Jothimanian Advocate, S.R.No. 79982/17
+1cc to Mr.J.Madanagopal Rao Advocate, S.R.No. 79892/17
+1cc to Mr.Mohammed Fayaz Ali, Advocate, S.R.No. 80312/17
+1cc to M/s.S.Sasikumar, Advocate, S.R.No. 80192/17

DK (CO)
TR (06/12/2017)

W.P.No.24686 of 2014

सत्यमेव जयते

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