

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.06.2017

CORAM :

The Hon'ble Mr.JUSTICE M.SUNDAR

W.P. No.1028 of 2012

and

M.P.No.1 of 2012

G.Venkatesan

.. Petitioner

Vs.

1.The Senior Regional Manager,
LPG RO Hindustan Petroleum Corporation Limited,
Petro Bhavan, 3rd Floor,
New No.82, TTK Road,
Near Alwarpet Bridge,
Chennai-600 018.

2.R.Kalaiselvi

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the first respondent to cancel the Liquid Petroleum Gas distributorship under the Rajiv Gandhi Gramin LPG Vitarak (RGGLV) Scheme for the Ramenjeri village, Thiruvallur District granted in favour of the second respondent and consequently to direct the first respondent to allot the Liquid Petroleum Gas Dealership to the petitioner, who is the eligible candidate.

For Petitioner : Ms.Kavitha Deenadayalan

For Respondents : Mr.O.R.Santhanakrishnan for R1
No appearance for R-2

ORDER

With the consent of both parties, the main writ petition itself is taken up for final disposal.

2 This matter pertains to distributorship / dealership of Liquefied Petroleum Gas ('LPG' for brevity) under a scheme, which goes by the name 'Rajiv Gandhi Gramin LPG Vitarak Scheme' ('RGGLV Scheme' for brevity).

dated 22/4/2011 from Tahsildar, Thiruvallur confirming that 2nd respondent is a resident of Ramanjeri village, residing at No.63, Nadu Street, Ramanjeri, Thiruvallur Taluk.

(h)With regard to the allegation in para 8, I deny that 2nd respondent is not a resident of Ramanjeri Village for which area RGGLV distributorship is given. On the other hand I state that as per Selection guidelines applicable for RGGLVY LPG Distributorship, the candidate should be resident of advertised location Ramancheri and the 2nd respondent submitted the Residency Certificate from the concerned Tahsildar as per guidelines which is the basic requirement to qualify and became eligible. Thus the 2nd respondent has met his eligibility criteria."

10 It is also contended in the counter affidavit as well as in the hearing today by Mr.O.R.Santhanakrishnan, learned counsel for the first respondent that the writ petitioner did not satisfy the condition of owning the land within the parameters set out in the notification inviting applications. The land as required should be owned by the family unit as set out in Clause 4(e). Learned counsel for the first respondent would contend that the writ petitioner has not satisfied this condition.

11 The land requirement as set out in clause 4(g) inter-alia reads 'own a suitable land (plot) of minimum 20 metre x 24 metre in dimension at the advertised RGGLV location for construction or LPG cylinder Storage Godown'.

12 However, learned counsel for the writ petitioner submits that the writ petitioner does satisfy this criteria by relying on and referring to a sale deed dated 6.2.2006 in this regard.

13 Primarily, the writ petitioner has to demonstrate that allotment of distributorship / dealership to second respondent is illegal, that has to be quashed and only thereafter the question of whether the writ petitioner satisfies eligibility criteria would arise. To be noted, distributorship / dealership was awarded to the second respondent on 14.3.2011 and writ was brought up for admission on 23.1.2012. In this context, Mr.O.R.Santhanakrishnan, learned counsel for first respondent would also draw my attention to an order and say that the order allotting dealership to second respondent has not been challenged.

14 Though technically this submission of learned counsel Mr.O.R.Santhanakrishnan is correct, in the light of the fact that this is a writ petition, I thought it fit to examine the allotment made in favour of the second respondent, which is being assailed by the writ petitioner on the sole ground that she is not a resident of Ramenjeri village.

15 Considering the fact that the second respondent has produced Residency certificates from the jurisdictional Village Administrative Officer and the jurisdictional Tahsildar, the averment that the second respondent is not a resident of Ramenjeri village is obviously unfounded.

16 It was pointed out that the certificates are post advertisement. That is based on the premise that a person would be resident of a particular area only from that dates of the residency certificates which in my opinion is flawed and unacceptable.

17 I have also taken note of the submission made by Mr.O.R.Santhanakrishnan that the second respondent, who has been given distributorship / dealership on 14.3.2011, is actually running LPG distributorship / dealership in Ramenjeri for more than seven years now.

18 Owing to all that have been stated supra, I am of the view that the writ petitioner has not established that allotment of LPG distributorship / dealership to the second respondent is incorrect or illegal calling for interference. As this stage has not been crossed, further examination of entitlement of the writ petitioner does not arise.

19 Owing to all that have been stated supra, the writ petition fails and is dismissed. Considering the nature of the matter, the parties are left to bear their respective costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

vvk

To

The Senior Regional Manager,
LPG RO Hindustan Petroleum Corporation Limited,
Petro Bhavan, 3rd Floor,
New No.82, TTK Road,
Near Alwarpet Bridge,
Chennai-600 018.

+1cc to M/s.Santhanakrishnan, Advocate in sr.no.44842
+1cc to M/s.Kavitha Deenadayalan, Advocate in sr.no.45161

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MSM(CO)
NR 13/07/2017



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