

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.04.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.8092 of 2018 and
WMP.Nos.10055 to 10057 of 2018

M.Malathi

.. Petitioner

-vs-

1. Bharat Petroleum Corporation Limited
rep. by its Co-ordinator, State Office/LPG,
No.1, 11th Main Road, Ranganathan Gardens,
Anna Nagar West, Chennai-40.
 2. The Territory Manager-LPG,
Bharat Petroleum Corporation Limited,
Coimbatore LPG Plant,
Post Box No.1644, Peelamedu,
Coimbatore-641 004.
 3. The Sales Officer-LPG,
Bharat Petroleum Corporation Limited,
16, Sandaipet Main Road,
Annathanapatti, Salem-636 002.
- ..Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent pertaining to Proceedings vide CBE:LPG: SUNCHALNATHAM: GV (OBC-W) dated 23.3.2018 and quash the same and consequently, direct the respondents herein to accept the land offered by the petitioner measuring 35 cents in Survey No.525/3 of Sunjalnatham Village, Pennagaram Taluk, Dharmapuri District and issue indent awarding LPG Distributorship in favour of the petitioner for the Sunjalnatham Location, Sunjalnatham Village Panchayat, Pennagaram Taluk, Dharmapuri District, under the Gramin Vitrak Distributorship in OBC (W) Category.

For Petitioner :: Mr.G.Arul Murugan

For Respondents:: Mr.M.Vijayan
for M/s.King and Partridge

ORDER

The Writ Petition is directed against the impugned order dated 23.3.2018 issued by the 2nd respondent, namely, the Territory Manager-LPG, Bharat Petroleum Corporation Limited,

Coimbatore LPG Plant and to quash the same with a consequential direction to the respondents herein to accept the land offered by the petitioner measuring 35 cents in Survey No.525/3 of Sunjalnatham Village, Pennagaram Taluk, Dharmapuri District and issue indent awarding LPG Distributorship in favour of the petitioner for the Sunjalnatham Location, Sunjalnatham Village Panchayat, Pennagaram Taluk, Dharmapuri District, under the Gramin Vitrak Distributorship in OBC (W) Category.

2. Learned Counsel appearing for the petitioner submitted that when the 1st respondent issued Paper Advertisement on 20.8.2017 calling for applications for appointment of the LPG Distributorship for Sunjalnatham in Sunjalnatham Village Panchayat, Pennagaram Taluk, Dharmapuri District under the category of 'OBC (W)', the petitioner applied for the same on 23.9.2017. Further, the petitioner was successfully selected for appointment of dealership for the Sunjalnatham location. As per the requirements of the advertisement, the petitioner had offered an extent of 35 Cents of land in Survey Number 525/3 of Sunjalnatham Village, Pennagaram Taluk, Dharmapuri District for the purpose of constructing LPG Godown and Gas Showroom through Lease Deed dated 18.9.2017 registered as Document No.2812 of 2017 on the file of the Sub-Registrar, Pennagaram and the petitioner has submitted all the required documents as advertised. Thereafter, the 3rd respondent came for verification of the location and raised the issue as to why the name Eriyur, Sunjalnatham is mentioned in many places and also in her Aadhar Card. The petitioner explained to them that it is only Sunjalnatham Village and the town is called as Eriyur, which is a hamlet/Sub village and part of Sunjalnatham Village. But, without appreciating the explanation offered by the petitioner, the 3rd respondent has proceeded as though the land comprised in the Lease Deed received from her father-in-law is different from the advertised location and rejected the case of the petitioner in the impugned order.

3. On explaining further, the learned Counsel for the petitioner submitted that the address of the land covered in the Lease Deed No.2822 of 2017 is in Eriyur Village which is the part of the Sunjalnatham Revenue Village and to that effect, the petitioner has also obtained a Certificate from the Tahsildar, Pennagaram Taluk dated 6.2.2018 in which it has been clarified that the Sunjalnatham is the name of the Revenue Village in Pennagaram Taluk and the said Sunjalnatham Revenue Village contains 11 sub-villages like Eriyur. But, the 2nd respondent has rejected the petitioner's candidature by proceedings dated 23.3.2018. Hence, the present Writ Petition.

4. Mr.M.Vijayan, learned Counsel for M/s.King and Partridge, learned Counsel for the respondents, at this stage, fairly submitted that an opportunity may be given to the 2nd respondent to reconsider the case of the petitioner on the basis of the certificate issued by the Tahsildar, Pennagaram Taluk.

5. A perusal of the Certificates issued by the Tahsildar, Pennagaram Taluk dated 6.2.2018 and 5.3.2018, clearly show that the land possessed by the petitioner for establishing LPG Showroom appears to have situated within the advertised location. Therefore, the proceedings of the 2nd respondent dated 23.3.2018 is hereby set aside and the 2nd respondent is directed to reconsider the case of the petitioner on the basis of the Certificates issued by the Tahsildar, Pennagaram Taluk.

6. With the above observation and direction, the Writ Petition stands allowed with liberty to the petitioner to produce any other documents, if any possessed by him to substantiate her claim. No costs. Consequently, connected Miscellaneous Petitions are also closed.

Sd/-
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

tsi

To

1. Co-ordinator, State Office/LPG,
Bharat Petroleum Corporation Limited,
No.1, 11th Main Road, Ranganathan Gardens,
Anna Nagar West, Chennai-40.
2. The Territory Manager-LPG,
Bharat Petroleum Corporation Limited,
Coimbatore LPG Plant,
Post Box No.1644, Peelamedu,
Coimbatore-641 004.
3. The Sales Officer-LPG,
Bharat Petroleum Corporation Limited,
16, Sandaipet Main Road,
Annathanapatti, Salem-636 002.

+ 1 cc to M/s.m King & Patridge, Advocate Sr.25775
+ 1 cc to Mr. G. Arulmurugan, Advocate Sr.25703

W.P.No.8092 of 2018

KK(CO)
EU(20/04/2018)