

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :25.07.2018

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.8374 of 2018

and

W.M.P.No.10350 of 2018

Mrs.K.Malarkanni .. Petitioner

vs.

1.Chief General Manger,
M/s. Indian Oil Corporation Ltd.,
House of Four Frames,
No.6/13, Whearcrofts Road,
Nungambakkam,
Chennai - 600 034.

2.Deputy General Manager,
M.s.Indian Oil Corporation Limited,
No.2, Race Course Road,
Chokkikulam,
Madurai = 625 002.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus directing the order of the second respondent in file No.MAO/Muppaiyur/2018 dated 16.03.2018 and direct the respondents to consider the lands in Survey Nos.381/14 and 130/2C1 offered by the petitioner to be used for running the Godown and Showroom of the LPG Distributorship of Indian Oil Corporation (IOC) at Muppaiyur, Sivagangai District or if the respondents still insist for alternate land then the Petitioner may produce the conversion deed converting the said Mortgage deed with possession i.e., "Othi" as "lease" deed and or if permitted produce document of alternative land meeting the guidelines suitable for Godown and Showroom however the date of document is subsequent to the date of advertisement.

For Petitioner : Mr.S.Subbiah,
Senior Counsel for Mrs.M.Malar

For Respondents : Mr.Mohammed Fayaz Ali

O R D E R

The order of rejection dated 16.03.2018 for grant of LPG Distributorship of Indian Oil Corporation Limited at Muppaiyur, Sivagangai District under SC(W) category, is under challenge in this writ petition.

2. The learned counsel, appearing on behalf of the writ petitioner, made a submission that pursuant to the advertisement dated 20.08.2017, the writ petitioner had submitted her application for LPG Distributorship of Indian Oil Corporation Limited at Muppaiyur, Sivagangai District under SC(W) category. It is contended that the writ petitioner has submitted all the required documents along with the deposit amount of Rs.20,000/- as per the notification.

3. The claim of the writ petitioner is that she has submitted a document showing that the property shown in the application is in accord with the terms and conditions stipulated in the notification. However, on a perusal of the document, it was found that the said property is a mortgaged property and the writ petitioner is not even a lessee and therefore, the respondents have rejected the same.

4. The learned counsel, appearing on behalf of the respondents, states that as per the conditions, ownership or "own" land for godown/showroom for Gramin Vitrak type of Distributorship means having (a) Ownership title of the property or (b) Registered lease deed having minimum 15 years of valid lease period commencing on any day from the date of advertisement upto the last date of submission of application as specified either in the advertisement or Corrigendum (if any). It is made clear that an applicant must possess the land of her own or a valid lease for a period of 15 years. In the absence of any one of these two conditions, the candidate is not eligible to get LPG Distributorship. In view of the fact that the writ petitioner has not produced any such document of lease or to prove that she is the owner of the land, the order of rejection issued by the respondents is in accordance with the terms and conditions published in the notification.

5. Admittedly, the land proposed by the writ petitioner is a mortgaged property. Thus there is a possibility of redeeming the mortgage by the Mortgagor at any point of time.

6. Under these circumstances, the respondents cannot grant LPG Distributorship in such circumstances. The stipulation of condition has a definite purpose and object in view of the fact once a Distributorship is granted, then the person must be capable of running the same for the period specified. Thus, the

writ petitioner has not satisfied the condition stipulated in the notification and thus, there is no infirmity as such in respect of the order of rejection passed by the respondents in proceedings dated 16.3.2018. Thus, the writ petition is devoid of merits and it stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

Svn/PKN

To

- 1.Chief General Manger,
M/s. Indian Oil Corporation Ltd.,
House of Four Frames,
No.6/13, Whearcrofts Road,
Nungambakkam,
Chennai - 600 034.
- 2.Deputy General Manager,
M.s.Indian Oil Corporation Limited,
No.2, Race Course Road,
Chokkikulam,
Madurai = 625 002.

+1cc to Mr.M.MALAR, Advocate, S.R.No.50453
+1cc to Mr.MOHAMMED FAYAZ ALI, Advocate, S.R.No. 49927

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KK(CO)
TR(01/08/2018)

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