

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.07.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.5583 of 2018

P.Shanmugam

.. Petitioner

-vs-

The Bharat Petroleum Corporation Ltd (BPCL)
rep.by its Territory Manager-LPG
Coimbatore LPG Plant
Post Box No.1644, Peelamedu
Coimbatore 641 004
Coimbatore District

.. Respondent

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 impugned order dated 03.03.2018 vide in Ref.CBE:LPG:DOKKUBODANAHALLI:GV (Open) passed by the respondent herein and quash the same, consequently direct the respondent herein to issue Letter of Appointment to the petitioner for the LPG Distributorship in Dokkubodanahalli, Nallampalli Block, Dharmapuri District forthwith.

For Petitioner :: Mr.M.R.Jothimanian

For Respondent :: Mr.M.Vijayan
for M/s King & Partridge

ORDER

This writ petition is directed against the impugned order dated 3.3.2018 issued by respondent, namely, the Territory Manager-LPG, Bharat Petroleum Corporation Limited, Coimbatore LPG Plant, to quash the same with a consequential direction to the respondent to accept the land offered by the petitioner at Door No.3/74 in S.F.No.583/24 of Dokkubodanahalli Village, Nallampalli Taluk, Dharmapuri District and issue letter of appointment to the petitioner for the LPG Distributorship in Dokkubodanahalli, Nallampalli Block, Dharmapuri District forthwith under Gramin Vitrak (Open) category.

2. Learned counsel appearing for the petitioner submitted that when the respondent issued Paper Advertisement on 20.8.2017

calling for applications for appointment of the LPG Distributorship for Dokkubodanahalli village, Nallampalli Taluk, Dharmapuri District under the open category, the petitioner applied for the same on 25.9.2017. Further, the petitioner was successfully selected for appointment of dealership for the Dokkubodanahalli location. As per the requirements of the advertisement, the petitioner had offered the land in Door No.3/74 in S.F.No.583/24 of Dokkubodanahalli Village Panchayat, Nallampalli Taluk, Dharmapuri District for the purpose of constructing LPG Godown and Gas Showroom through Lease Deed dated 22.9.2017 registered as Document No.2727 of 2017 on the file of the Sub-Registrar, Dharmapuri (West) and the petitioner has submitted all the required documents as advertised. Thereafter, the respondent came for verification of the location and raised the issue as to why the name Gettupatti is mentioned and the petitioner explained that it is only Dokkubodanahalli village and Gettupatti is a hamlet/sub village and part of Dokkubodanahalli Village. But, without appreciating the explanation offered by the petitioner, the respondent has proceeded as though the land comprised in the lease deed 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.2727 of 2017 is in Gettupatti Village which is the part of the Dokkubodanahalli Revenue Village and to that effect, the petitioner has also obtained a certificate from the Tahsildar, Nallampalli Taluk dated 6.2.2018, in which it has been clarified that the Gettupatti is the hamlet/sub village and the same forms part of Dokkubodanahalli revenue village. But the respondent has rejected the petitioner's candidature the by proceedings dated 3.3.2018. Hence, the present writ petition.

4. Mr.M.Vijayan, learned counsel for the respondent, at this stage, fairly submitted that an opportunity may be given to the respondent to reconsider the case of the petitioner on the basis of the certificate issued by the Tahsildar, Nallampalli Taluk.

5. A perusal of the Certificate issued by the Tahsildar, Nallampalli Taluk dated 6.2.2018 clearly shows that the land possessed by the petitioner for establishing LPG Showroom appears to have been situated within the advertised location. Therefore, the proceeding of the respondent dated 3.3.2018 is hereby set aside and the respondent is directed to reconsider the case of the petitioner on the basis of the certificates issued by the Tahsildar, Nallampalli 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 his claim. Consequently, W.M.P.No.6905 of 2018 is closed. No costs.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

ss

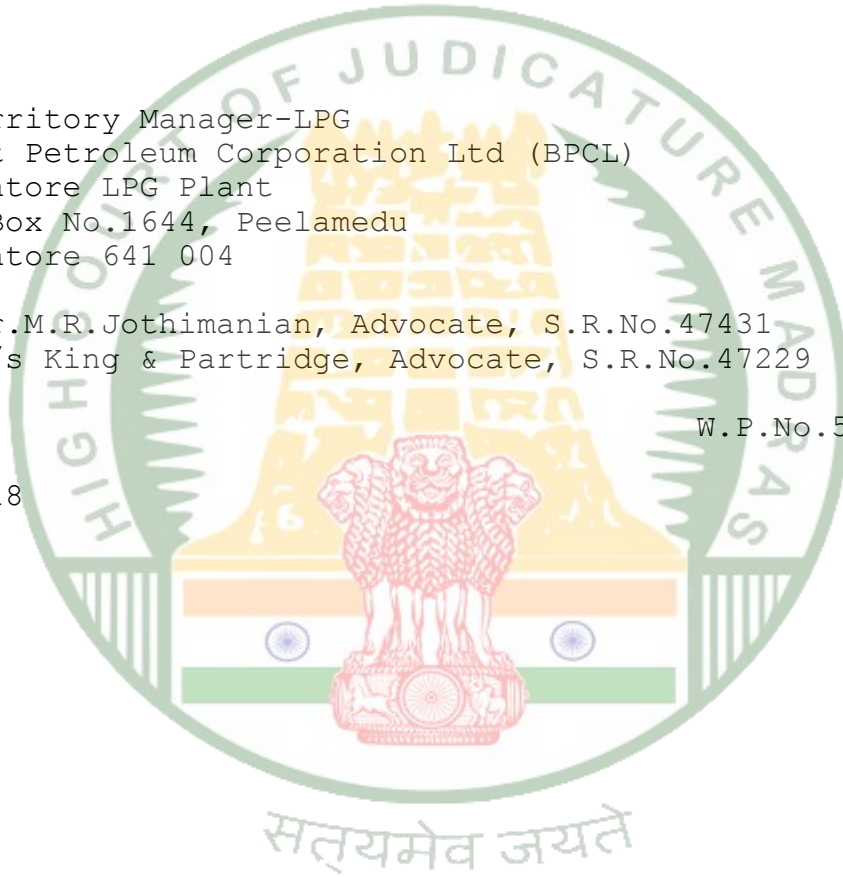
To

1. The Territory Manager-LPG
Bharat Petroleum Corporation Ltd (BPCL)
Coimbatore LPG Plant
Post Box No.1644, Peelamedu
Coimbatore 641 004

+1cc to Mr.M.R.Jothimanian, Advocate, S.R.No.47431
+1cc to M/s King & Partridge, Advocate, S.R.No.47229

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