

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.04.2018
CORAM

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.7944 of 2018 and
W.M.P.Nos.9899 & 9900 of 2018

A.Renuka Devi

... Petitioner

Vs.

1.The Deputy General Manager (LPG Sales),
Indian Oil Corporation,
No.8/1079, Avinashi Road,
Near Kuppusamy Naidu Hospital,
Coimbatore - 641 018.

2.The General Manager (Sales),
LPG Distributorship,
Indian Oil Corporation,
Nungambakkam, Chennai.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of certiorarified Mandamus calling for the records relating to the impugned advertisement of the 1st respondent dated 31.03.2018 published in Newspaper insofar as Sl.No.50 relating to LPG Distributorship for Punjathalaiyur, Tiruppur is concerned and the consequential impugned orders of rejection of 1st respondent in Ref.: CBE/IMP/2017-18/PUNJTHLR dated 31.01.2018 and Ref: CBE/IMP:2017-18/PUNJTHLR dated 27.02.2018 and Ref: CBE/IMP:2017-18/PUNJTHLR dated 22.01.2018 respectively and quash the same and consequently direct the respondents herein to allot the LPG Distributorship for Punjaithalaiyur Village, Tiruppur vide Application No.IOC04110084625092017 of the petitioner.

For Petitioner : Mr.M.Venkatesan

O R D E R

This Writ Petition has been filed challenging the impugned order cancelling the selection of the petitioner for LPG Distributorship at Punjathalaiyur, Tiruppur.

2. The learned counsel appearing for the petitioner, while assailing the impugned order, has submitted that the 1st respondent made a public advertisement in Newspapers on 20.08.2017 for awarding regular LPG Distributorship in various

places and categories in the State of Tamil Nadu and Puducherry. As per the conditions given in the advertisement, the petitioner was qualified to apply for the LPG Distributorship for Punjathalaiyur Village made in Application No.IOC04110084625092017. The petitioner has completed M.Com., M.Phil., and in addition thereto, she is hailing from a financially sound family. The petitioner has also offered 5.63 acres of land belonging to her father-in-law for construction of godown in the Highways of Dharapuram to Karur, which is suitable for running business.

3. The learned counsel for the petitioner has further stated that by communication dated 22.11.2017, the petitioner was called upon to take part in the draw of lots of LPG Distributorship to be held on 28.11.2017 at 11.15 hours. Subsequently, the petitioner also took part in the draw of lots. By letter dated 29.11.2017, the petitioner was declared as successful candidate in the draw of lots held on 28.11.2017 for the selection of LPG Distributorship. But all of a sudden, the 1st respondent issued a communication dated 22.01.2018 raising queries that the petitioner was not a resident of the Punjathalaiyur Village and that the land offered by her was not owned by her, in turn the land was owned by her father-in-law.

4.The learned counsel for the petitioner has further submitted that in the reply dated 30.01.2018, the petitioner has stated that the land offered by her belongs to joint family and her father-in-law A.Vetrivel is the head of the joint family. She has also stated that her father-in-law has sworn an affidavit giving consent in favour of the petitioner for utilization of the land, hence, the land is free from objection, therefore, the respondent cannot contend that the land offered by the petitioner for construction of godown is not owned by her. The petitioner has stated that the land offered and her residence are situated in the same Revenue Sub Division.

5.Heard the arguments made by the learned counsel appearing for the petitioner.

6.The 1st respondent has made public advertisements in Newspaper for awarding regular LPG Distributorship in various places and categories in the State of Tamil Nadu and Puducherry Union. As per the conditions prescribed in the advertisement, the petitioner was fully qualified to apply for the LPG Distributorship for Punjathalaiyur Village. The petitioner has offered land for construction of godown, which was suitable for carrying on business and also she is hailing from a financially sound family. The petitioner was informed to participate in the draw of lots for the Distributorship. Thereafter, the petitioner was declared as successful candidate. Subsequently, the 1st

respondent has raised queries regarding the place of residence of the petitioner and also a query regarding the ownership of the land offered by her.

7.The petitioner, without explaining the first query raised by the respondent with regard to the place of residence of the petitioner, she has given explanation to the 2nd query raised by the 1st respondent with regard to the land offered for construction of godown. Admittedly, the land offered for construction of the godown is not owned by the petitioner or anyone of her family members. The land belongs to joint family, headed by her father-in-law A.Vetrivel. He has sworn an affidavit giving consent in favour of the petitioner to utilize the land. The meaning of family unit does not include father-in-law's property. Therefore, the impugned order passed against the petitioner cancelling her selection to the LPG Distributorship at Punjathalaiyur, in my considered opinion, cannot be found fault with and no interference is warranted in the impugned order passed by the 1st respondent.

8. With these observations, the Writ Petition is dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1.The Deputy General Manager (LPG Sales),
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Coimbatore - 641 018.

2.The General Manager (Sales),
LPG Distributorship,
Indian Oil Corporation,
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+1cc to Mr.M.Venkateshan, Advocate, S.R.No.25244

W.P.No.7944 of 2018 and
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NRL(CO)
RRK(04/04/2018)