

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 05.04.2018

CORAM

THE HONOURABLE MR. JUSTICE T.RAJA

W.P. No.7982 of 2018 and
W.M.P.Nos.9941 and 9942 of 2018

Porchelvi

.. Petitioner

Vs.

The Deputy General Manager,
Indian Oil Corporation Ltd.,
Indane Area Office,
No.8/1079, Avinashi Road,
Coimbatore - 641 018.

.. Respondent

PRAYER : Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records of the impugned order of the respondent passed in Ref:CBE/IMP:2017-2018/IRUMATHUR dated 21.02.2018 and quash the same, consequently direct the respondent to allot the LPG distributorship to the petitioner at Irumanthur, Dharmapuri District under SC category.

For Petitioner: Mr.T.Ganesan

For Respondent: Mr.Abdul Saleem

Standing Counsel

O R D E R

This Writ Petition has been filed challenging the impugned order in Ref:CBE/IMP:2017-2018/IRUMATHUR dated 21.02.2018 issued by the respondent rejecting the petitioner's selection and consequently direct the respondent to allot the LPG distributorship to the petitioner at Irumanthur, Dharmapuri District under SC category.

2. The learned counsel for the petitioner assailing the impugned order submitted that the respondent called for appointment of LPG Distributorship and the petitioner has applied for the same in the area at Irumathur, Type of DKV Distributorship, Dharmapuri District under SC category through the Application No.IOC04111081725092017. He further submitted that the petitioner was selected as the Distributor by the respondent through Draw of Lots on 24.11.2017 and the selection of the petitioner was also informed through letter of the

respondent dated 27.11.2017 with a direction to pay a sum of Rs.20,000/- within 7 days. Accordingly, the petitioner has also paid the said amount.

3. Upon Field Verification of the information given by the petitioner in her application, the respondent came to the conclusion that she was not the owner of any land for Godown, as per the advertisement at the advertised location on 25.09.2017, namely, as on the last date for submission of application. During Field Verification, the petitioner has also submitted a letter in writing stating that she does not own any land for Godown at Irumathur, advertised location as on the last date for submission of application, namely, 25.09.2017. The document submitted by the petitioner, after receipt of the letters dated 17.01.2018 and 30.01.2018 are not related to the land owned / leased by her as on 25.09.2017. In view of that, the respondents refused to consider her candidature for selection of LPG Distributorship.

4. The claim of the petitioner shows that the respondent has also gave a final chance to the petitioner to offer any land owned by her for Godown as on 25.09.2017 at the advertised location within seven days i.e. by 25.01.2018. They cannot go back as the petitioner complied with the said offer. He has also submitted that on 23.01.2018, the petitioner has entered into a Lease Deed and the same was registered on 23.01.2018, which is two days prior to the last date, namely, 25.01.2018. Therefore, the order selecting the petitioner for LPG Distributorship cannot be cancelled.

5. In reply, the learned Standing Counsel appearing for the respondent submitted that the letter dated 17.01.2018 giving last opportunity to the petitioner to offer any land owned by her for Godown as on 25.09.2017 at the advertised location within seven days, namely, by 25.01.2018 has been misunderstood. Inasmuch as the letter dated 17.01.2018 issued by the respondent clearly shows that the petitioner was not the owner of any land for Godown but the registration of the Lease Deed dated 23.01.2018 clearly shows that she was not owning any land for Godown as on 25.09.2017.

6. As rightly contended by the learned counsel for the petitioner that the petitioner has failed to own any land for Godown at the advertised location on 25.09.2017, namely, the last date for submission of application. This has been noticed by the Field Verification Committee. Moreover, during Field Verification Committee, the petitioner has also submitted a letter in writing stating that she does not own any land for Godown at Irumathur, advertised location as on the last date for submission of application, namely, 25.09.2017. Therefore, this

Court finds no infirmity in the impugned order. Accordingly, the Writ Petition fails and the same is dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CD-VI)

//True Copy//

Sub Assistant Registrar

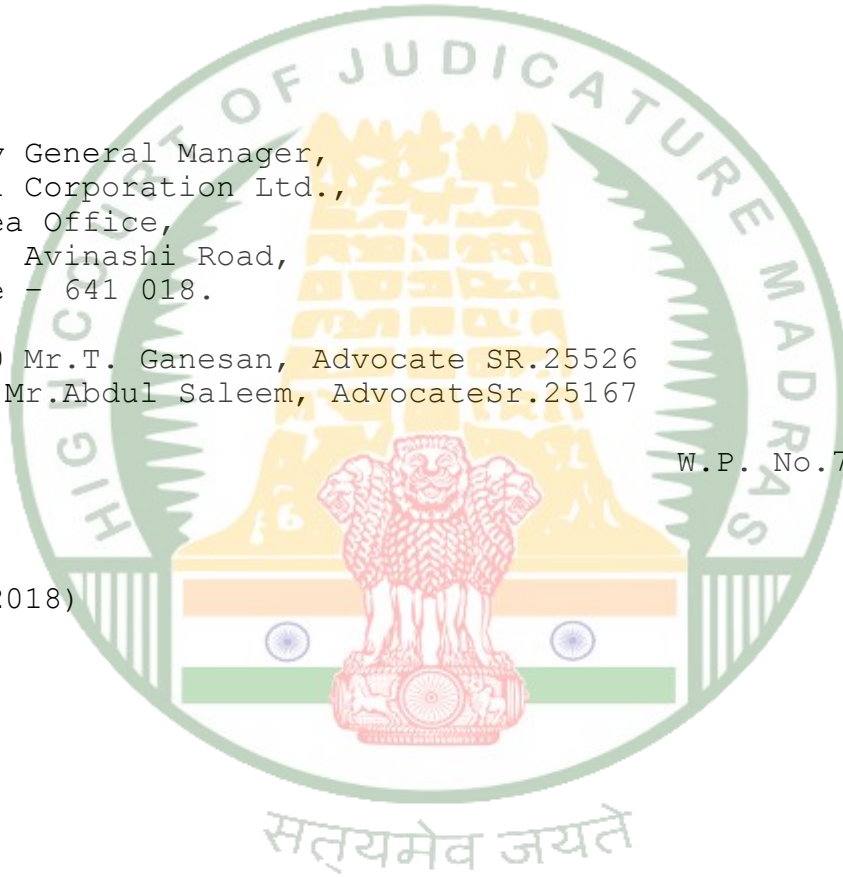
sri
To

The Deputy General Manager,
Indian Oil Corporation Ltd.,
Indane Area Office,
No.8/1079, Avinashi Road,
Coimbatore - 641 018.

+ 1 cc to0 Mr.T. Ganesan, Advocate SR.25526
+ 1 cc to Mr.Abdul Saleem, AdvocateSr.25167

W.P. No.7982 of 2018

VGII(CO)
EU(04/05/2018)



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