

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 10-10-2018

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.Nos.29792 and 28926 of 2016

And

W.M.P.No.25788 and 25003 of 2016

M.Sathish

.. Petitioner in both WPs

..Vs..

1. The Chief Regional Manager,
Chennai LPG RO,
Hindustan petroleum Corporation Limited,
"Petro Bhavan", 3rd Floor,
New No.82, Old No.47, TTK Road,
Alwarpet, Chennai-600 018.
2. The Senior Regional Manager,
Chennai LPG Regional Office,
Hindustan Petroleum Corporation Limited,
"Petro Bhavan", 3rd Floor,
New No.82, Old No.47, TTK Road,
Alwarpet, Chennai-600 018.
3. Balaganesh
(R-3 impleaded as per orders of Court
dated 17.4.2017 in WMP Nos.8868 and 8867 of 2017
in WP Nos.29792 and 28926 of 2016)

.. Respondents in both WPs

WP No.29792 of 2016 is filed Under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order issued in No.CHNLRO/AVK/LPG dated 17.8.2016 on the file of the second respondent and quash the same and issue consequential direction to the respondents to issue the award considering the petitioner's application dated 21.10.2013.

WP No.28926 of 2016 is filed Under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order issued in No.CHNLRO/AVK/LPG dated 30.7.2016 on the file of the second respondent and quash the same and issue consequential

direction to the respondents to issue the award considering petitioner's application dated 21.10.2013 and the representation made by the petitioner on 8.8.2016.

For Petitioner in both WPs : Ms.S.Hemalatha

For Respondents-1&2 in both WPs : Mr.O.R.Shanthanakrishnan

For Respondent-3 in both WPs : Mr.C.E.Pratap

C O M M O N O R D E R

The orders impugned dated 17.8.2016 and 30.7.2016 in respect of the rejection of the claim of the writ petitioner for Award of LPG Distributorship at Arcot District, Vellore in OBC Category advertised on 21.9.2013, are under challenge in these writ petitions.

2. The learned counsel for the writ petitioner made a submission that pursuant to the Notification issued by the respondent- Petroleum Corporation in September 2013, inviting applications for appointment of LPG Distributorship in different Districts of the State of Tamil Nadu and Puducherry, the writ petitioner submitted an application for grant of Distributorship.

3. The learned counsel for the writ petitioner states that the writ petitioner is fully qualified for getting Distributorship and draw of lot was conducted and the learned counsel for the writ petitioner further states that an interview was conducted. The Field Inspections were also conducted and scrutiny of the applications were completed. However, admittedly, the writ petitioner had not produced any documents to show that he is the owner of the land, in which the writ petitioner proposed to open a Show Room, a registered Lease Deed was produced. However, the same has not been accepted by the respondents 1 and 2 on the ground that the said Lease Deed was produced subsequently, after verification and therefore, the same cannot be admitted.

4. The learned counsel for the respondents 1 and 2 brought to the notice of this Court that on account of the interim order granted in these writ petitions, the public at large is made to suffer and the respondent-Corporation is unable to appoint the LPG Distributorship in that particular area, which causes lot of inconvenience to the general public. Under these circumstances, the learned counsel for the respondents 1 and 2 urged this Court to consider the fact that the writ petitioner had not produced the required documents, enabling the respondents 1 and 2 to consider case of the writ petitioner for appointment of Distributorship.

5. This Court is of an opinion that the writ petitioner is bound to submit all the requisite documents at the time of submission of application or at the time of scrutiny and verification. Any submission of documents thereafter cannot be considered for the purpose of grant of LPG Distributorship as per the terms and conditions of the respondent-Corporation.

6. It is not as if the writ petitioner could submit the documents after completion of scrutiny and verification and claim Distributorship based on the Notification. Such a procedure is not contemplated and therefore a person, who seeks appointment of LPG Distributorship should submit all the required documents at the time of scrutiny and verification of documents.

7. Admittedly, at the time of verification, the writ petitioner had not produced the required documents as per the terms and conditions of the Notification. Thus, the writ petitioner is not eligible for grant of LPG Distributorship with reference to the Notification through which an application is submitted. However, it is brought to the notice of this Court that subsequently, the writ petitioner had submitted the document of a registered Lease Deed.

8. The learned counsel for the writ petitioner referred the letter dated 4.8.2016 issued by the Hindustan Petroleum Corporation Limited stating that the writ petitioner was declared as qualified for draw of selection of LPG Distributorship. Therefore, the case of the writ petitioner is to be considered.

9. This Court is of an opinion that when the verification was conducted and the writ petitioner had not produced any documents which all are required. Thus, it is left open to the writ petitioner to participate in the next selection process whenever such a Notification is issued by the respondents 1 and 2, inviting application for appointment of LPG Distributorship in the State of Tamil Nadu and Puducherry.

10. With these observations, the writ petitions stand dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//
Sub Assistant Registrar

Svn

To

1. The Chief Reigonal Manager,
Chennai LPG RO,
Hindustan petroleum Corporation Limited,
"Petro Bhavan", 3rd Floor,
New No.82, Old No.47, TTK Road,
Alwarpet,
Chennai-600 018.

2. The Senior Regional Manager,
Chennai LPG Regional Office,
Hindustan Petroleum Corporation Limited,
"Petro Bhavan", 3rd Floor,
New No.82, Old No.47, TTK Road,
Alwarpet, Chennai-600 018.

+2cc to Ms.S.Hemalatha, Advocate, S.R.No.71285

+2cc to Mr.O.R.Shanthanakrishnan, Advocate, S.R.No.70382

WP No.29792 of 2016

NMI (CO)
CS/29/10/2018



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