

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.03.2018

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.44731 of 2016
and
W.M.P.No.38549 of 2016

V.Ilayavendhan .. Petitioner
Vs.

1. The Senior Area Manager,
Chennai Area Office,
Indian Oil Corporation Ltd.,
Marketing Division,
Indane Area Office,
500, Anna Salai,
Teynampet,
Chennai - 600 018.

2. R.Gokulakrishnan

(R2 impleaded as per order
dated 156/2017 in
WMP.7150/2017 in W.P.44731/2016)

.. Respondents

Writ petition filed under Article 226 of the constitution of India to issue a Writ of Certiorarified Mandamus to call for the records of the respondent in connection of candidature of petitioner is rejected in impugned order in Ref.No.CHAO/IMP/TIRUVALLUR-1/026 dated 16.12.2016 and also subsequent letter dated 21.12.2016 (but date wrongly mentioned as 21.11.2016) and quash the same and further to direct the respondent to issue Letter of Indent (LOI) to petitioner and further connected orders for setting up of the LPG Distributors at Tiruvallur-I (Urban/Rural).

For Petitioner : Mr.M.Muthusamy

For Respondents : Mr.M.Ravindran
Senior counsel
for Mr.V.Ananthanatarajan for R1
Mr.D.Kanagasundaram for R2.

O R D E R

The petitioner is aggrieved against the order dated 21.11.2016 issued by the first respondent rejecting the request of the petitioner to issue Letter of Intend on the reason that the land offered by the petitioner for locating the LPG Distributorship is not the land lying in the notified area for locating such Distributorship at Thiruvallur-I.

2. The petitioner applied for appointment of LPG Distributorship for locating the same in an area namely Tiruvallur-I (Urban/Rural) as notified at Serial No.245 of the advertisement. The petitioner offered the land situated at S.No.397/5C measuring an extent of 44 cents situated at Thirupachur Village, Tiruvallur Division, Tiruvallur Taluk.

3. The petitioner was selected in the draw and thereafter, after conducting field verification, it was found that the property offered by the petitioner situated at Thirupachur Village is not lying within the advertised location i.e., Tiruvallur-I. The petitioner was called upon to offer an alternate land as per selection guidelines. The petitioner, instead of offering an alternative land as per the selection guidelines, called upon the first respondent to permit him to locate the show room in the land already offered by him or permit him to acquire the land for show room as per the expectation of the first respondent.

4. The above stand of the petitioner is evident from his own communication sent on 10.11.2016. Therefore, it is evident that the petitioner has not offered any alternative land when the first respondent informed the petitioner that the land already offered is not lying within the advertised location. Now, it is sought to be contended before this Court that as per the circular dated 09.06.2016 issued by the Indian Oil Corporation Limited, the petitioner is entitled to acquire a new land and submit the same as an alternative site.

5. I do not think that the petitioner is entitled to acquire the land after the cut off date, namely, the date of application and submit the same as an alternative land. If that contention is accepted, there is no meaning in issuing a notification and inviting applications from the qualified persons having such land in the notified area as on the date of the application. Therefore, I find that the claim of the petitioner does not have any merits. When the petitioner failed to offer the land within the advertised location on the date of the application and further failed to offer an alternative land as per the selection guidelines inspite of providing him an

opportunity to do so, the petitioner is not entitled to question the impugned order, which in my considered view does not warrant any interference. Accordingly, the writ petition fails and the same is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True copy//

Sub Assistant Registrar

vsi

To

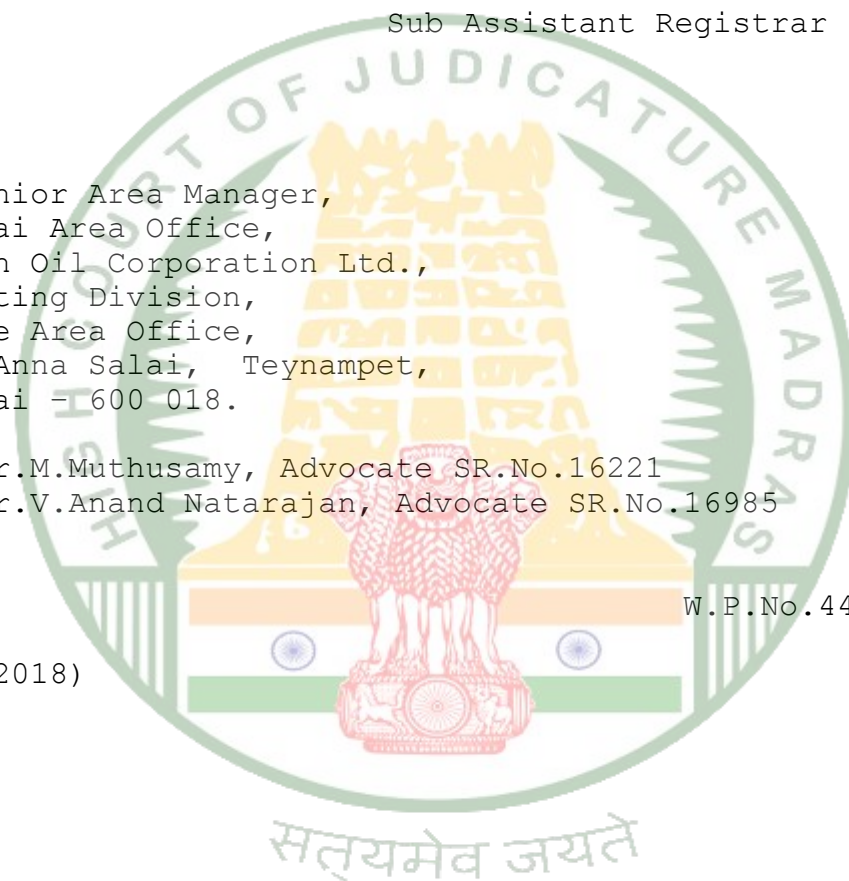
1. The Senior Area Manager,
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Chennai - 600 018.

+1cc to Mr.M.Muthusamy, Advocate SR.No.16221

+1cc to Mr.V.Anand Natarajan, Advocate SR.No.16985

W.P.No.44731 of 2016

GJII(CO)
GN(15/03/2018)



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