



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.04.2018

CORAM:

THE HONOURABLE MR.JUSTICE **M.S.RAMESH**

W.P. (MD)No.1245 of 2018

and

W.M.P. (MD) No.1331 of 2018

K.Vasugi

... Petitioner

Vs.

1.The Under Secretary to Government,
Ministry of Petroleum and Natural Gas,
Shastri Bhavan,
Indian Oil Corporation Limited,
Southern Region, Indian Oil Bhavan,
No.139, Nungambakkam High Road,
Chennai 600 034.

2.The Director (Marketing),
Hindustan Petroleum Corporation Limited,
Hindustan Bhawan,
8, Shoorji Vallabhdas Marg,
Ballard Estate,
Mumai 400 001, Maharashtra, India.

3.The Deputy General Manager,
Hindustan Petroleum Corporation Limited,
Thalamuthu Natarajan Building, 4th Floor,
P.B.No.3045, Gandhi Irwin Road,
Egmore, Chennai - 600 008.

4.The Senior Regional Manager,
Hindustan Petroleum Corporation Limited.,
SIDCO Industrial Estate,
Kappallur, Madurai - 625 008.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus directing the respondents to issue LPG Distributorship order in favour of petitioner's name in respect of Muthulapuram Village, Puthur Block, Tuticorin District under OBC (Woman) Category by considering the petitioner's application (HPC 12760003007092017) was successfully selected in the Draw of lots conducted on 27.11.2017.

For Petitioner

: Mr.M.Saravanakumar

For R1

: Mr. S.Jayasingh

For R2, R3 & R4

: Mr.M.Sridhar

O R D E R

This writ petition has been filed for the issuance of a Writ of Mandamus directing the respondents to issue LPG Distributorship order in favour of petitioner's name in respect of Muthulapuram Village, Puthur Block, Tuticorin District under OBC (Woman) Category by considering the petitioner's application (HPC 12760003007092017) was successfully selected in the Draw of lots conducted on 27.11.2017.

2. It is submitted by the learned counsel for the petitioner that though the petitioner herein had made two applications seeking for LPG Distributorship in her favour, as per the Regulations of the respondent Corporation, only one of her application was considered at the time of drawing of lots. Subsequently, she happened to be the successful allottee through draw of lots. But, however the petitioner has not received Selection order for the reasons that the petitioner has submitted two application. The learned counsel for the petitioner submits that her application is not included at the time of draw of lots and as such she is entitled to the relief sought for.

3. The learned Standing Counsel appearing for the respondent Corporation submitted that the petitioner herein had submitted two applications giving different information with regard to her identity and addresses and as such, she has not participated in the selection with clean hands. The learned Standing Counsel further submits that supplying of false information in the application itself becomes a disentitlement for selection and it is not correct to state that only one application was considered at the time of drawing the lots.

4. Today, when the matter was called, the learned Standing Counsel has produced the copies of both the applications in H.P.C.12760003007092017 and H.P.C.12760003209092017.

5. On perusal of those two applications, the photographs affixed in the two applications varies to an extent. Further, the applicant's name, residential address, mobile number, e-mail ID, educational qualification are different. There is lot of possibilities that it could be misconstrued to be the applications of two separate individuals.

6. I am unable to comprehend as to how the petitioner could have innocently made two applications giving two different identifications of herself. In view of furnishing of different information in both the applications, the only conclusion which this Court is able to derive is that the petitioner intended to have both applications considered for draw of lots for having more probability in the drawing of lots for obtaining the distributorship.



7. At this juncture, the learned counsel for the petitioner submits that the petitioner had not furnished any false information and all the information are correct. Insofar as the given name is concerned, in one application she has mentioned her name and in other application she has only added her husband's name. Insofar as the addresses are concerned, in one address the petitioner is presently residing and the other address is her native address. Insofar as the mobile numbers are concerned, one application carries her mobile number and other applications carries her husband's mobile number.

8. This Court is conscious of the fact that scrutiny of these applications are fully computerized and by giving such different information, the computer may read these applications as the applications of two individuals. There is no logic behind the petitioner giving two different names, addresses, mobile numbers e-mail Ids. As rightly pointed out by the learned counsel for the respondent, the petitioner has not participated in the draw of lots with clean hands. Hence, the petitioner is not entitled for getting distributorship and consequently she is not entitled for any relief before this Court also.

9. In the result, the writ petition is dismissed. No costs. Consequently, connected W.M.P(MD) No.1331 of 2018 is also dismissed.

Sd/-
Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar

To,

1.The Under Secretary to Government,
Ministry of Petroleum and Natural Gas,
Shastri Bhavan, Indian Oil Corporation Limited,
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2.The Director Marketing,
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3.The Deputy General Manager,
Hindustan Petroleum Corporation Limited,
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Periyasami Street, 304/15, Chidhi Irwin Road,
Egmore, Chennai - 600 008.



4.The Senior Regional Manager,
Hindustan Petroleum Corporation Limited.,
SIDCO Industrial Estate,Kappallur,
Madurai - 625 008.

+2cc to Mr.S.Jayasingh, Advocate Sr.No.61093
+1cc to Mr.M.Sridhar, Advocate Sr.No.61129

cm

VB/KKR/SAR2/22/05/2018/4P/8C

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and W.M.P. (MD) No.1331 of 2018
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