

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.21620 of 2018

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed seeking the following relief:

“to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the impugned letter HYD.LPG.DKV, Mannegudem, dated 18.06.2018, is illegal, arbitrary, and unconstitutional and consequently direct the 2nd respondent to award of Durgam Kshetriya Vitrak of BPCL at Mannegudem, Mahabubabad under open (W) category, advertised on 01.09.2017.”

2. Learned counsel for the petitioner submits that the petitioner is a resident of Mannegudem Village of Dornakal Mandal and she applied for L.P.G Distributorship; that she was selected and awarded LPG Distributorship on 18.01.2018 basing on the household card, voter card etc; that thereafter, the 3rd respondent-Tahsildar addressed a letter on 01.02.2018 to the Manager Sales (LPG) BPCL, Hanmakonda, stating that the petitioner is a resident of Khammam and her husband is a native of Mannegudem Village and both are residing in Khammam; that basing on the documentary evidence produced by the petitioner, the Joint Collector, Mahabubabad issued a certificate on 03.02.2018 stating that the petitioner belongs to Mannegudem Village; that surprisingly, the very same Tahsildar issued another certificate on 04.04.2018 stating that the petitioner is a resident of Mannegudem Village; that on 08.05.2018 the Mandal Revenue Officer, Dornakal issued a certificate stating that the petitioner is not a resident of Mannegudem Village; that the 3rd respondent being a competent

authority to issue residence certificate, he should not have issued contradictory certificates on different occasions and hence, he prays to set aside the impugned order.

3. On the other hand, learned Standing Counsel Sri B.Mayur Reddy appearing for the respondents submit that as per the letter, dated 01.02.2018 addressed by the 3rd respondent to the 2nd respondent, the petitioner is a resident of Khammam and thereafter, the petitioner approached the Tahsildar seeking clarification of the same and the Tahsildar himself again issued another certificate on 04.04.2018 clarifying that the petitioner is a resident of Mannegudem Village and therefore, the petitioner has to produce those documents before the competent authority so as to consider the case of the petitioner.

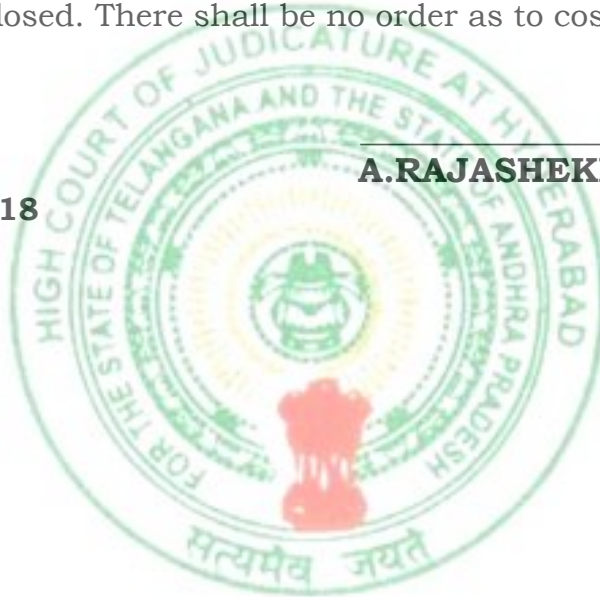
4. It is to be seen that the petitioner obtained certificate from the 3rd respondent-Tahsildar on 04.04.2018, who stated that the petitioner belongs to Mannegudem Village, which is advertised location. It is not known on what basis the 3rd respondent issued the alleged certificates on 01.02.2018 and 08.05.2018 stating that the petitioner is a resident of Khammam. When the petitioner approached the Joint Collector by submitting documentary evidence, he issued certificate on 03.02.2018 stating that the petitioner is a resident of Mannegudem Village. But, the 2nd respondent basing on the letter, dated 01.02.2018, issued by the 3rd respondent cancelled the Distributorship of the petitioner.

5. Since the Joint Collector after considering the documents filed by the petitioner, issued certificate on 03.02.2018 stating that the petitioner is a resident of Mannegudem and it is not known on what basis the 3rd respondent issued contradictory certificates. In view of the same, the impugned order is set aside and the 2nd respondent is directed to consider the case of the petitioner basing on the certificate issued by the Joint Collector, dated 03.02.2018.

Miscellaneous Petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

JULY 18, 2018
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A.RAJASHEKER REDDY, J



HON'BLE SRI JUSTICE A.RAJASHEKER REDDY



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Date:18.07.2018

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