

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WA No. 469 of 2019***{Arising out of order dated 09.08.2019 passed by the learned Single Judge in Writ
Petition (C) No. 170 of 2014}*

- Mahavir Prasad Agrawal S/o Shri Radheshyam Agrawal Aged About 45 Years
R/o Village-Nawapali, Post, Police Station And Tahsil- Baramkela, District-
Raigarh Chhattisgarh. (Petitioner)

---- Appellant**Versus**

1. Indian Oil Corporation Limited Registered Office At Yavar Jung Marg, Bandra
(East), Mumbai- 400051
2. The Chief Area Manager Indian Oil Corporation Ltd., Raipur Area Office, Rajiv
Gandhi Marg, Telibandha, P.O.- Ravigram, Raipur Chhattisgarh 492006
3. Pankaj Kumar Agrawal S/o Gobardhan Agrawal Aged About 25 Years R/o
Prakash Medical, Main Road, Baramkela, Tahsil- Baramkela, District- Raigarh
Chhattisgarh Pin-496551
4. State of Chhattisgarh through the Collector, District- Raigarh, Chhattisgarh

---- Respondents

For Appellant	: Shri Sudhir Kumar Verma and Shri Shashi Bhushan Singh Patel, Advocates.
For Respondent No. 1 & 2	: Shri Anand Shukla, Advocate.
For Respondent No. 3	: Shri Parag Kotecha, Advocate.
For Respondent No. 4/State	: Shri Sudeep Agrawal, Deputy Advocate General.

Hon'ble Shri P. R. Ramachandra Menon, Chief Justice
Hon'ble Shri Justice Parth Prateem Sahu, Judge

Judgment on Board**Per Parth Prateem Sahu, Judge****16.10.2019**

1. The present appeal has been filed challenging the order of the learned Single
Judge wherein the interference was declined to interdict with the decision taken
by the Respondent No.1/Indian Oil Corporation Limited with respect to the
allotment of the LPG distributorship.

2. The crux of the case is that the Respondent No. 1/India Oil Corporation Limited had issued advertisement for appointment of the distributors under the Rajiv Gandhi Rural LPG Distributor Scheme. In that advertisement, the location in question has been advertised at serial no. 49 wherein it has been mentioned that the location will be at Baramkela, Lodhiya, Kanchanpur and Janakpur of Tahsil Baramkela, District Raigarh under open category. Pursuant to the said advertisement, the Appellant herein also submitted an application for appointment as distributor but his application has been rejected on the ground that the land proposed by him would not form part of the village or the location mentioned in the advertisement i.e. Baramkela, Lodhiya, Kanchanpur and Janakpur.

3. Feeling aggrieved with the rejection of this application, the Appellant approached this Court by filing writ petition with the following prayers:
 - “10.1 That this Hon'ble Court may kindly be pleased to direct the respondents to cancel the notice/proposal dated 19.09.2013 (Annexure P-2) and republish with correction.
 - 10.2 This Hon'ble Court may issue any writ, direction or order which deem fit in the favour of the petitioner and against the respondents to grant necessary relief to the petitioner.
 - 10.3 This Hon'ble Court may kindly be pleased to issue a writ mandamus thereby setting-aside order (Annexure P/1) dated 08.01.2014, issued by respondent no. 2, whereby candidature of petitioner was rejected and order Annexure P.6. Whereby draw in respect of LPG Vitrak has been held on 23.02.2015, in the ends of justice.”

4. The learned Writ Court, after considering the pleadings filed by respective parties and also submissions placed on record have held that the locations mentioned in the advertisement are very specific and the subject land proposed by the Appellant should be situated at the locations mentioned in the advertisement and further that though the village Kharwani formed part of the Nagar Panchayat, Baramkela, but it does not come within the specific location i.e. Baramkela, and dismissed the writ petition.

5. The learned counsel for the Appellant submits that the village Kharwani has been merged with the village Panchayat Baramkela and thereafter, it has been upgraded to Nagar Panchayat Baramkela by notification dated 03.09.2008 and therefore, the location mentioned in the name of Baramkela will also include village Kharwani being part of the Nagar Panchayat. Learned counsel also submits that the Writ Court has fallen in error in not considering the very aspects.
6. The learned counsel for the Respondent No.1/ India Oil Corporation Limited submits that the locations have been mentioned in the advertisement very specifically and each villages where the Oil Corporation wants to have their dealer to be appointed was specifically mentioned village wise and location wise. Merely forming the part of the Nagar panchayat will not meet the condition of having the land to be treated at village Baramkela and therefore, the learned Single Judge has rightly considered the submissions and has rejected the contentions of the Appellant herein.
7. We have heard learned counsel for the parties and have gone through the materials on record and we have also gone through the records of the writ petition and also perused the notifications dated 03.09.2008. The perusal of the advertisement Annexure P/2 would show that in the advertisement, the location has been mentioned as city / village wise and also mentioned the Tahsil and District specifically in the advertisement itself. Glance of the advertisement will show that it prescribes in 3rd column name of Location, 4th column Village / Nagar Panchayat, 5th column name of Tehsil, 6th column name of District and 7th column category of applicant. The advertisement makes it clear that name of location when forming part of Village / Nagar Panchayat, then comes Tehsil and District. Location means particular place or position. In advertisement Annexure P/2 it is mentioned in column name of location as at S.No. 49 Baramkela Lodhiya, Kanchanpur and Janakpur means the location to be in particular village or city, only and name of places mentioned in column no. 4, 5,

6, & 7 are other specifications of location. Therefore, the locations which is named in the advertisement is to be considered for the purpose of allotment of the distributor of the LPG distributor in respect of the said villages only. The area or the villages which have been mentioned in the advertisement identifying as location cannot be enlarged for any purpose. The learned Single Judge taking into consideration the other arguments has held thus:

- “7. The reading of the said schedule would show that the boundaries of Nagar Panchayat Baramkela would be the boundaries of existing revenue village and Gram Panchayat Baramkela. When this notification and submission are tested as against the advertisement, it shows that the advertisement was made for a particular location that of Baramkela and other three places. The submission of the petitioner that village Kharwani was included by the notification within Barmakela, therefore, the rejection of candidature on the ground that he do not hold the land at Baramkela cannot be appreciated. In the opinion of this Court, the advertisement would show that it was meant for rural area and particular locations were advertised, which confined only Baramkela apart from that three other places were named. Even if it is presumed that village Kharwani was enveloped within the Gram Panchayat Baramkela, considering the rural location for which the advertisement was made, it was confined to Baramkela location only. Consequently, such location cannot be extended by interpretation as the distribution of LPG should be closer and nearer to the publication for which it is advertised. The Nagar Panchayat, Baramkela would have other villages too and when the advertisement was made only for four villages, then the other village which falls out of the advertisement, cannot be treated to be the part of Nagar Panchayat Baramkela qua the advertisement.
8. It is for the respondent corporation to decide the location of a particular place. If the petitioner did not have the land at village Baramkela location itself, the land at village Kharwani cannot be connected by the advertisement for consideration of the right of the petitioner. The dispute raised further involves the disputed question of facts too. Therefore, the likewise issue which has been decided by this Court in WPC No.901/2011 on 16th of August, 2011, I am also inclined to follow the ratio laid down in such case to hold that village Kharwani may be included for administrative purposes within the Nagar Panchayat of Baramkela, but such location cannot be extended to read in between the line of the advertisement that Kharwani would include Baramkela. Accordingly, I do not find that any relief can be granted to the petitioner. The likewise proposition is supported by the ratio laid down by the Supreme Court in the matter of **Ankur Gupta V. Union of India (2012 SCC OnLine Raj 723)**, **Satyaranjan Mallick Vs. Indian Oil Corporation Ltd. And others (decided by the Orrisa High Court in W.A. No.145 of 2014 on 30.04.2015)** and **Manish Kumar Nagar Vs. Union of India & ors. (decided by the**

Rajasthan High Court in Civil Writ Petition No.1258 of 2012 on 18.04.2012). The ratio of these cases also apply to the facts of this case as the object behind the requirement of suitable particular place is to provide better facility to local residents and if in a given city too the city is extended and the advertisement is made for a particular location then particular location is to be given the importance. When the land offered by the petitioner was not at the location advertised by the respondents at specified locations to cater the needs of the general public and when the location is specific, by deeming provision, the area cannot be extended from the earmarked place. In view of this, I do not find any illegality in decision making process of the respondents so as to entertain this writ petition.”

8. Considering the pleading and arguments in contexts with the documents placed on record by the parties, we do not find any perversity, illegality in rationale given by learned Single Judge in its order for dismissing the writ petition.
9. For the foregoing reasons, we do not find any merit in the submissions made by the Appellant. The appeal being devoid of merit is liable to be and is accordingly dismissed.

Sd/-

(P. R. Ramachandra Menon)
Chief Justice

Sd/-

(Parth Prateem Sahu)
Judge