

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.06.2019

CORAM

THE HON'BLE DR.JUSTICE VINEET KOTHARI
AND
THE HON'BLE MR.JUSTICE C.V.KARTHIKEYAN

W.A.No. 469 of 2013

S.Nalina ... Appellant / Petitioner

Vs.

1. I.B.P. Company Ltd.,
Having its Registered Office at
34-A Nirmal Chandra Street
Kolkatta - 700 013
Having its Branch Office at
10, Mayor V.R.Ramanathan Road
Chetpet, Chennai -31
Rep. by its General Manager
2. J.Selvakumari ... Respondents/Respondents

Writ Appeal filed under Clause 15 of Letter Patent against the order dated 01.12.2010 passed in W.P.Nos. 39757/2002 by His Lordship the Honourable Mr.Justice M.M.Sundresh.

Prayer in W.P.No.39757 of 2002:

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records of the first respondent relating to the grant of letter of intent to the Second respondent in its proceedings having reference No.LPG/TN/9 dated 02.03.1999 and to quash the same and consequently to direct the first respondent to select the petitioner as the dealer for LPG Distributorship for Edappadi area, Salem District, State of TamilNadu.

For Appellant : Mr. G.Sankaran

For 1st Respondent: Mr.R.Ravi

For 2nd Respondent: Mr.C.V.Vijayakumar

J U D G M E N T

(Delivered by DR.VINEET KOTHARI, J)

The present Writ Appeal has been filed by the Writ Petitioner/Appellant S.Nalina against the order dated 01.12.2010 in W.P.No. 39757 of 2002 whereby the learned Single Judge of this Court dismissed the Writ Petition filed by the petitioner, S.Nalina, who claimed that the allotment of distributorship by the first respondent I.B.P. Company Limited to the second respondent J.Selvakumari was bad in law.

2. The said selection process was undertaken in the year 1999 and the Writ Petition was filed in the year 2002. The petitioner sought to make out a case before the Writ Court stating that the selection was made and the list of selected candidates was published by the respondents only in the alphabetical order and not based on merits. This was controverted by the respondents by filing a counter affidavit stating that the merit list was prepared and the list produced by the petitioner just another list in the alphabetical order. It was stated that the allotment was made based only on the basis of the merit list, which was prepared by the competent authority in accordance with rules. The learned Single Judge was pleased to dismiss the Writ Petition on the ground that the second respondent was granted the said dealership in the year 1999 and he was carrying on business and was challenged by the writ petitioner/Appellant S.Nalina only in the year 2002 after three years.

3. Having heard the learned counsel for the petitioner/appellant, who submitted that a fraud was played upon by the Dealer Selection Board and that he has also filed certain additional documents in this Court, we are satisfied that the selection made long back in the year 1999 cannot be upset at this stage. The petition itself came to be filed after three years after the selection was made on the misconceived ground that the list was prepared only in an alphabetical order. The respondent was able to satisfy the Writ Court that a merit list was also separately prepared and the allotment was made only

based on the merit list. Hence, no interference is warranted of the order of the learned Single Judge. Hence, the present Writ Appeal is devoid of any merit and is dismissed. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

vsg

To

The General Manager,
B.P.Company Ltd.,
Having its registered Office at
34-A, Nirmal Chandra St,
Kolkata-700 013.
Having its branch Office at
No.18 Mayor V.R.Ramanathan Road,
Chetpet, Chennai-31.

+1cc to Mr.G.Sankaran, Advocate Sr.46397
+1cc to Mr.R.Ravi, Advocate Sr.45298

W.A.No. 469 of 2013

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srg 03/07/2019

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