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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 09.12.2019

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THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P.No.7322 of 2018
and
W.M.P.No.9096 of 2018

C.Jayalakshmi

.. Petitioner

..Vs..

1.M/s.Indian Oil Corporation Limited,
Rep.by its Regional Manager,
Nungambakkam High Road,
Chennai - 600 034.

2.The Chief Area Manager,
Indian Oil Corporation Limited,
"Triveni", II Floor,
B-35, Shastri Road,
Thillai Nagar,
Trichy - 620 018.

.. Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records relating to the Impugned Proceedings dated 14.03.2018 passed in Ref.No.TRAO/LPG/Cance/Myladu on the file of the 2nd respondent herein to grant the LPG Distributorship of the Myladuthurai U/R Category to the Petitioner.

For Petitioner : Mr.K.Govi Ganesh

For Respondents : Mr.Md.Fayas Ali, SGC

O R D E R

This petition has been filed seeking a writ of Certiorarified Mandamus, calling for the records relating to the Impugned Proceedings dated 14.03.2018 passed in Ref.No.TRAO/LPG/Cance/Myladu on the file of the 2nd respondent herein and grant the LPG Distributorship of the Myladuthurai U/R Category to the Petitioner.



2. Heard, learned counsel for the petitioner and also Mr.Md.Fayaz Ali, learned counsel for the respondents who had taken notice for the respondents.

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3. The writ petition has not been admitted. Consequently, by liberty and permission of the concerned parties, the main writ petition had been heard on merits. The Court had the advantage of perusing the affidavit and typed set filed by the petitioner and also the typed set filed by the respondents.

4. The petitioner namely, C.Jayalakshmi, resident of Medavakkam, Chennai, had applied for LPG Distributorship of Indian Oil Corporation in Myladuthurai Town, Nagapattinam District. One of the primary conditions was that the petitioner should have land for showroom/LPG Distributorship in Myladuthurai Town. This cannot be relaxed. The petitioner applied, as stated above, for LPG Dealership. She applied it on the basis of documents in her favour which is a Lease Deed executed on 19.11.2013, by M.Gowri W/o. Murugan in her favour. The description of the property in the schedule to the said Lease Deed reveals that the property is in Thiruinthalur Village, Myladuthurai Taluk, within Myladuthurai District Registrar office at Myladuthurai in Nagapattinam District in R.S.No.680/1 measuring 1307 ½ Sq.fts., and in R.S.No.681/1 measuring about 1580 sq.fts.

5. The respondents rely on a Certificate issued by the Village Administrative Officer. According to him, the said village Thiruinthalur is outside the boundaries of Myladuthurai Municipality/Town and is situated about 500 meters away. The distance may appear to be small but when there are other candidates, who applied for the same dealership and have offered lands in Myladuthurai town itself, then, a strict interpretation of the town limits will have to be necessarily given. On the basis of the application given by the petitioner herein, there being several other eligible candidates, a draw of lots was undertaken by the respondents Indian Oil Corporation Authorities and the petitioner came out successful in the said draw of lots. The procedure subsequent to the draw of lots is that field verification is conducted to verify the village, the address and the location to identify the land offered by the petitioner. During field verification, it was found that the property offered by the petitioner to have the LPG Dealership showroom was actually not within Myladuthurai town, but situated in an adjacent village Thiruinthalur. The field verification report has also been forwarded to the Court and it is seen that the Officer who actually conducted the filed verification had



stated as follows:

"The land offered by the candidate for showroom is in the village of 'Thiruindalur' which is not in the advertised location. Hence it is not suitable for construction of LPG Showroom."

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6. The learned counsel for the petitioner however, relies on the advertisement given, wherein it is stated that only the showroom should be in Myladuthurai and then strict interpretation that it should be within the Myladuthurai town had not been specifically mentioned. The learned counsel, therefore stated that the land offered, which comes within the Taluk of Myladuthurai can naturally be considered as suitable by the respondents and rejection on the ground that it was outside the town limit was unjustified and should be interfered with by this Court.

7. Unfortunately, I do not agree. When a Dealership is offered particularly for LPG Distributorship, very rarely would a second advertisement would be issued for further dealerships, particularly in small areas. Indian Oil Corporation wanted a dealership for LPG Distributorship in Myladuthurai town. It was area specific. Many candidates had similar like the petitioner, applied for such distributorship. The actual location of the showroom would be determined only on field verification. On field verification, it was found that the petitioner's land offered for location of the LPG Distributorship showroom was actually in an adjacent village in Thiruinthalur Village. It is not within the Myladuthurai Town.

8. The attention of this Court also drawn by the learned counsel for the petitioner to a resolution said to have been passed by the Myladuthurai Town Panchayat President stating that the surrounding villages including Thiruinthalur Village should be included within the Myladuthurai town. But as on date of the application, it was not within the Myladuthurai town. The advertisement is dated 21.09.2013 and the resolution is dated 29.10.2013 after the date of advertisement.

9. This Court will also have to balance the rights of those who are not before this Court namely those who have applied giving locations within Myladuthurai town. Their interests will also have to be protected. The petitioner had offered land in Thiruinthalur Village which, though near to Myladuthurai town, is outside the limits of the Myladuthurai town. Naturally, the petitioner stands disqualified from being selected. This information regarding the location as aforesaid was obtained only during the field verification and the field verification



report has not been challenged by the petitioner as having been prepared by malice or on the basis of incorrect details. That being the case, I am unable to subscribe to the request of the petitioner seeking a writ of Certiorarified Mandamus and accordingly, this Writ Petition stands dismissed. No Costs. Consequently, connected Writ Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To,

1.The Regional Manager,
M/s.Indian Oil Corporation Limited,
Nungambakkam High Road,
Chennai - 600 034.

2.The Chief Area Manager,
Indian Oil Corporation Limited,
"Triveni", II Floor,
B-35, Shastri Road,
Thillai Nagar,
Trichy - 620 018.

+lcc to Mr.K.Govi Ganesan, Advocate SR.102662

+lcc to Mr.Mohammed Fayaz Ali, Advocate SR.102558

W.P.No.7322 of 2018

and

W.M.P.No.9096 of 2018

NR(CO)
CB(23/01/2020)