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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.06.2019

CORAM:

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 1444 of 2018

and

W.M.P. Nos. 1822 and 1823 of 2018

S. Parimala Devi

... Petitioner

Vs.

Indian Oil Corporation Limited,
Indane Area Office,
8/1079, Avinashi Road,
Coimbatore - 641 018.
Rep. by its Deputy General Manager (LPG-Sales)

... Respondent

Prayer:- Writ Petition filed under Article 226 of Constitution of India, seeking for a Writ of Certiorarified Mandamus, calling for the records of the Respondent made in Ref. CBE/IMP:2017-2018/VEPNPALLI dated 17.01.2018 and quash the same and direct the Respondent to award the LPG distributorship under Gramin Vitrak to the Petitioner at Veppanapalli, Krishnagiri District under ST category of IMP 2017-2018-Advertisement dated 20.08.2017.

For Petitioner : Mr. S. Silambanan,
Senior Counsel
for M/s. Kaavya Silambanan

For Respondents: Mr. V. Anantha Natarajan,
Standing Counsel

O R D E R

Heard Mr. S. Silambanan, Learned Senior Counsel for M/s. Kaavya Silambanan, Learned Counsel for the Petitioner and Mr. V. Anantha Natarajan, Learned Standing Counsel appearing for the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The chronological sequence of events leading to the filing of this Writ Petition are given below:-

- (i) The Petitioner made an on-line application for selection of LPG Distributor to the advertised location at



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Veppanapalli Village, Krishnagiri District in terms of advertisement dated 20.08.2017 issued by the Respondent.

- (ii) The selection of LPG Distributors is governed by the Unified Guidelines for Selection of LPG Distributors issued in June 2017 in which it has been provided in clauses 8(i) and (j) that the Applicant should own the required plot of land with the specifications for godown and showroom at the advertised location as on the last date for submission of application as specified either in the advertisement or corrigendum, if any.
- (iii) The ownership of the godown and showroom has been defined in clause 1(w) as having ownership of the property or registered lease deed, but having minimum 15 years of valid lease period commencing from any day from the date of advertisement upto the date of submission of application as specified either in the advertisement or corrigendum, if any.
- (iv) The Respondent by letter dated 27.11.2017 informed the Petitioner that she had been declared as successful candidate in the draw of lots conducted at 15.25 hrs on 24.11.2017 for the LPG Distributors at the advertised location and she was required to remit a sum of Rs.20,000/- along with certain other documents pertaining to the land for godown/showroom in her name or member of her family unit for a minimum of 15 years with mutation and Government record as per the dates specified in the brochure.
- (v) The Petitioner by letter dated 12.12.2017 informed the Respondent that she did not have any own land or registered leased land or building at Veppanapalli as on the last date of publication for the showroom and requested to allow her to purchase a land or building at Veppanapalli for construction of showroom for the proposed distributorship.
- (vi) The Respondent by letter dated 02.01.2018 informed the Petitioner that the land offered by her for construction of showroom was located at Naduvanapalli and not in the advertised location of Veppanapalli, which has been confirmed by the Village Administrative Officer, Naduvanapalli in his letter dated 07.12.2017. It was further stated therein though the Petitioner had stated that she had no other land for showrom owned by her as on 25.09.2019, which was last for submission of the application another opportunity was given to her to offer any other land /shop for the showroom owned by her on 07.09.2017 on or before 09.01.2018 failing which her candidature would be rejected and her security deposit of Rs. 20,000/- would stand forfeited.
- (vii) The Petitioner by letter dated 04.01.2018 then submitted an unregistered lease agreement dated 22.09.2017



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for showroom. The Respondent by letter dated 17.01.2018 informed the Petitioner that the land offered by her for showroom was not registered and that the earlier land that had been offered was not located in the advertised location at Veppanapalli, which was not in accordance with the Unified Guidelines for Selection of LPG Distributors and forfeited her security deposit.

(viii) The Writ Petition had been filed challenging the said letter dated 17.01.2018 and for a consequential direction to appoint the Petitioner as the LPG Distributor for the advertised area at Veppanapalli by accepting the documents submitted by her.

3. Learned Standing Counsel appearing for the Respondent submits that the issue has already been considered in detail by the Division Bench of this Court in Deputy General Manager (LPG-Sales), Indian Oil Corporation Ltd., Chennai -vs- M.C. Meyyappan @ Manickam (Judgment dated 22.04.2019 in W.A. No. 1277 of 2019), in which relying upon the decision of the Hon'ble Supreme Court of India in Bharat Petroleum Corporation Ltd. -vs- Swapnil Singh (Judgment dated 08.09.2015 in Civil Appeal Nos. 6928-6929 of 2015), it has been categorically held that the dates fixed in the brochures/guidelines were sacrosanct and production of lease deed either without registration or with registration after the last date for submission of application, viz., 25.09.2017, does not meet the eligibility criteria and were liable to be rejected with forfeiture of the security deposit.

4. It is not in dispute that the Petitioner has not produced any lease agreement in the advertised location of Veppanapalli Village as on 25.09.2017 as required in the relevant notification. In view of the aforesaid binding decision of this Court, the claim of the Petitioner cannot be countenanced.

5. Accordingly, the Writ Petition is dismissed. Consequently, the connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

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To

The Deputy General Manager (LPG-Sales),
Indian Oil Corporation Limited,
Indane Area Office,
8/1079, Avinashi Road,
Coimbatore - 641 018.

+lcc to Mr.Kaavya Silambanan Associates, Advocate, S.R.No. 49238
+lcc to Mr.V.Anantha Natarajan, Advocate, S.R.No. 48921

W.P. No. 1444 of 2018

KK(CO)
GN(03/01/2020)