

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 15.07.2019

CORAM:

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

W.P. No. 2350 of 2018
and
WMP.Nos. 2883 and 2884 of 2018

Uma Senthil Kumar
... Petitioner

-vs-

1.The General Manager
Hindustan Petroleum Corporation Limited
South Zone Office
Thalamuthu Natarajan Maligai
4th Floor, Gandhi Irvin Salai
Egmore, Chennai 8.

2.The Chief Regional Manager
Hindustan Petroleum Corporation Limited
Madurai Regional Office
SIDCO Industrial Estate Kappalur
Madurai 625 001.

3. Subriya ... Respondents

Prayer:- Writ petition filed under Article 226 of Constitution of India, seeking for a Writ of Certiorarified Mandamus, calling for the records from the file of the First Respondent pertaining to the selection of the Third Respondent for LPG distributorship at Padaiveedu (TP), Namakkal District published in the web site vide dated 03.12.2017 and quash the same and further direct the respondents 1 and 2 to conduct re-draw strictly as per the terms and conditions of unified guidelines for selection of LPG distributors and to grant such other relief.

For Petitioner : Mr.C.Kulanthaivel

For Respondents: Mr. Abdul Saleem for R1 & R2
Standing Counsel
: R3- No appearance

O R D E R

Heard Mr. C. Kulanthaivel, Learned Counsel for the Petitioner and Mr. Abdul Saleem, Learned Government Advocate appearing for the First and Second Respondents.

2. It is contended by the Learned Counsel for the Petitioner that on account of the fact that the Third Respondent is not a resident of the gram panchayat of the advertised location, the selection of the Third Respondent by the First Respondent is vitiated and has to be set aside and re-draw has to be conducted strictly in accordance with law.

3. Learned Standing Counsel appearing for the First and Second Respondents submits that the application of the Petitioner had been rejected by order dated 20.11.2018 passed by the Deputy General Manager - LPG Region, Hindustan Petroleum Corporation Ltd., as it was found during the scrutiny that he was not residing at the advertised location, i.e. Padaiveedu (TP) as per terms and conditions and that his security deposit of Rs.25,000/- has been forfeited, which has not been challenged and has attained finality, and in such circumstances, it would not be possible to entertain his challenge to the selection of the Third Respondent.

4. As rightly contended by the Learned Counsel for the First and Second Respondents, the Petitioner cannot seek re-draw under the guise of questioning the selection of the Third Respondent when his application itself has been rejected.

5. Resultantly, the Writ Petition is dismissed with a clarification that no view has been expressed by this Court on correctness or otherwise of the contention that the Third Respondent could not have been selected. Consequently, connected miscellaneous petitions are closed. No costs.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

dna/maya

To

1.The General Manager
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Egmore, Chennai 8.

2.The Chief Regional Manager
Hindustan Petroleum Corporation Limited
Madurai Regional Office,
SIDCO Industrial Estate Kappalur,
Madurai 625 001.

+1cc to Mr.Abdul saleem , Advocate SR.No. 60597
+1cc to Mr.Kulanthaivel , Advocate SR.No. 60296

W.P. No. 2350 of 2018

A.SK(22/11/2019)