

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.03.2019

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THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.24921 of 2018
and
WMP.Nos.28954 & 28955 of 2018

R.Rani

...Petitioner

Vs.

- 1.Indian Oil Corporation Limited
Rep. by its Executive Director
Marketing Division
Tamil Nadu Office
No.139, Mahatma Gandhi Road
(Nungambakkam High Road)
Chennai-600 034.
- 2.The Deputy General Manager (LPG Sales)
Indian Oil Corporation Limited
Indane Area Office
No.500, Anna Salai, Teynampet,
Chennai-600 018.
- 3.Sumathi Baskaran

..Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records of the 2nd respondent's Letter of Intent in LOI Ref.No.2018/IN000527/TN/000023/4112/00007 dated 25.07.2018 appointing the 3rd respondent as LPG Distributor, Polur Block, (Rurban Vitrak), Thiruvannamalai District and quash the same and consequently, direct the respondents 1 and 2 to conduct fresh selection for the appointment of LPG Distributor in Polur Block, (Rurban Vitrak), Thiruvannamalai District in accordance with law.

For Petitioner : Mr.S.Ganesh

For Respondents: Mr.Mohammed Fiyaz Ali
For R1 & R2

R3-No Appearance

O R D E R

This writ petition is filed challenging the proceedings of the 2nd respondent dated 25.07.2018, appointing the 3rd respondent as LPG Distributor, Polur Block (Rurban Vitrak), Thiruvannamalai District. Consequently, the petitioner seeks for a direction to the respondents 1 & 2 to conduct fresh selection for the appointment of LPG Distributor in Polur Block, (Rurban Vitrak), Thiruvannamalai District.

2. The case of the petitioner is as follows:

The 1st respondent had invited applications for appointment of LPG Distributor, through an advertisement dated 29.03.2018. The petitioner submitted her application on 29.04.2018 through on-line and mentioned the documents such as release deed, school transfer certificate etc., She had taken lease of the property measuring an extent of 1395 sq.ft for a period of 16 years in respect of show room area and the property measuring an extent of 1 acre 59 $\frac{3}{4}$ cents for a period of 16 years in respect of godown space. The 3rd respondent is an ineligible applicant, since she did not fulfill the norms/regulations prescribed by the 1st respondent under the "Unified Guidelines for selection of LPG Distributors". However, the respondents 1 & 2 have selected the 3rd respondent as an eligible applicant and issued the letter of intent. The 3rd respondent has shown her leased land situated at Survey No.818/2, Mandakulathur Village, Polur Taluk, (block) measuring an extent of 25 cents for godown and the said survey number has been shown by another 7 applicants, who have participated in the selection process. The said survey number has not been sub-divided till date. Likewise, the 3rd respondent has shown the property situated at Survey No.799/1A, 1C, Polur Town for showroom and the said survey number has been shown by 3 more applicants. Therefore, as per the guidelines for selection of LPG Distributors, the same property cannot be shown by more than one person and if it shown, then all the applications should be rejected and even if there is a selection, the same should also liable to be rejected.

3. The 2nd respondent filed a counter affidavit, wherein, it is stated that the petitioner has not filed any documents to show that the same piece of land was offered by the 3rd respondent and other applicants for establishing the godown and showroom. It is further stated that the Indian Oil Corporation has followed the guidelines in thorough letter and spirit while selecting the 3rd respondent.

4. The learned counsel for the petitioner invited this Court's attention to the eligibility criteria for the applicants as shown in the "Unified Guidelines for selection of LPG Distributors". One of the conditions is that the same piece of land cannot be offered by more than one applicant for a

particular location against the advertisement for both the showroom and godown. He has also invited this Court's attention to the specific condition that if it is found at any stage that the same piece of land for godown has been offered by more than 1 applicant for the same location of the advertisement, then all such applications would be rejected or if selection has been done, then the same would be cancelled. Thus, by pointing out the above conditions, the learned counsel for the petitioner submitted that the 3rd respondent has shown the same site referred to in her application as has been shown by other 7 applicants as well. Hence, the learned counsel seeks to cancel the selection of the 3rd respondent.

5. On the other hand, the learned learned counsel for the respondents 1 & 2 submitted that though the survey number referred to in the application submitted by the 3rd respondent and others is one and the same, the specific extent of properties shown by them are having different boundaries and therefore, the petitioner is not justified in contending that the same property is shown by the 3rd respondent as well as other applicants.

6. Heard both sides.

7. The only grievance expressed by the petitioner before this Court is that the selection of the 3rd respondent by the respondents 1 & 2, is bad, as the 3rd respondent has shown the same property for locating her godown and showroom, which was also shown by other applicants. Even though it is stated so, the learned counsel for the petitioner is not disputing the fact that the properties shown by the 3rd respondent and other applicants, though arising out of the same survey number, have different boundaries. Needless to say that a survey number may contain large extent of different properties with individual specific boundaries and thus, each property has to be identified by its own boundaries. In other words, when the survey number contains a large extent of properties, the condition stipulated in the guidelines that the same piece of land cannot be shown would apply only when the same piece of land with same boundaries is shown by more than one applicant and not by referring to the survey number alone. Therefore, I find that the contention of the petitioner is totally mis-conceived and consequently, when the 3rd respondent and others have shown their respective properties with different boundaries, of course, under the same survey number, such applications with the same survey number cannot be construed as in respect of the same property and consequently, to attract the disqualification.

8. Therefore, I find that the petitioner has not made out a case for interfering with the letter of intent granted in favour of the 3rd respondent. Accordingly, this writ petition fails

and the same is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

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2.The Deputy General Manager (LPG Sales)
Indian Oil Corporation Limited
Indane Area Office
No.500, Anna Salai, Teynampet,
Chennai-600 018.

+1cc to Mr.Mohammed Fayaz Ali, Advocate, S.R.No.28998
+1cc to Mr.S.Ganesh, Advocate, S.R.No.29260.

W.P.No.24921 of 2018

SR(CO)

RRS (08/05/2019)

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