

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 20.02.2020

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P.No.21435 of 2018 and
WMP Nos.25173 and 25174 of 2018

Buvaneswari

.. Petitioner

..Vs..

1. The Deputy General Manager,
LPG Marketing Division,
Indian Oil Corporation Limited,
Indian Oil Bhavan,
139, Nungambakkam High Road,
Chennai - 600 034.
2. The Chief Area Manager,
Indian Oil Corporation Limited,
Indane Area Office,
"Triveni" IInd Floor, B-35,
Shastri Road,
Thillai Nagar, Trichy - 620 018.

..Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the entire records in connection with the impugned order of the 2nd respondent in Ref.No.TAO/MP/2017-18/On line draw/Sanganthi/Can. dated 30.07.2018 and quash the same and consequently direct the respondents to accept the show room provided by the petitioner to be in conformity with selections norms and process my candidature in accordance with applicable selection procedure to Gramin Vitrak LPG distributorship.

For Petitioner : Mr.R.Chellamuthu for
Mr.P.Kannan

For Respondents : Mr.Mohammed Fayaz Ali

O R D E R

The writ petition has been filed in the nature of Certiorari, seeking to interfere with the impugned order of the 2nd respondent namely the Chief Area Manager, Indian Oil Corporation Limited, Trichi, dated 30.07.2018 and quash the same and consequently direct the respondents to accept the show room provided by the petitioner for Gramin Vitrak LPG distributorship.

2. In the affidavit filed in support of the writ petition, it is stated that the petitioner herein had applied for Gramin Vitrak (G.V) LPG Distributorship for the location at Sanganthi village, Tiruvarur District, under SC (W) category. The petitioner claimed that this was in pursuance to the invitation extended for application by the respondent on 20.08.2017. Among other eligible criteria, one criteria which is under discussion is that the applicant should own a suitable shop cum show room of minimum size of 3 meter by 4.5 meter in the outer dimension or a plot of land for construction of show room of minimum size of 3 meter by 4.5 meter.

3. It is stated that the petitioner had entered into a Registered Lease Deed on 22.09.2017 with one Mr.Pandian by a registered document No.2047/2017 on the file of the Sub Registrar Office, Thiruthuraipoondi. The lease was for a period of 15 years. The dimension of the show room is 3 meters by 4.5 meters. When it was converted into feet, unfortunately it was incorrectly measured as 12 into 9 ½ sq. ft. which is 144 square feet. But the measurement is larger than the said area. But however, the application of the petitioner was found to be otherwise in order, and she was therefore invited for the draws of lots. In the draw of lots, the petitioner came out successful and the field verification of the credentials had to be conducted. When the field verification official measured the dimension, it was found, there were some variations made and the dimensions were shown as 3/3.6 meters.

4. In view of the same, since the dimension as reflected during the Filed verification was less, the petitioner had applied for rectification of the original Encumbrance Certificate. The respondents appear to have rejected the petitioner. Under these circumstances, the petitioner has approached this Court.

5. Heard the learned counsel for the petitioner and the learned counsel for the respondents.

6. In the schedule to the Lease Deed which had been entered into with one Mr.Pandian and the petitioner on 22.09.2017 and which had been registered in Document No. 2047/2017 on the file of the Sub Registrar Office, Thiruthuraipoondi, the property offered for show room by the petitioner was given as 12 X 9 ½ Sq.ft., which comes to 114 Sq.ft. in meters. This is in the first floor of R.C.C building in Sanganthi Village, Thiruthuraipoondi Taluk, Tiruvarur District in R.S.No.181/27 (O.S.No.181/5). In the Encumbrance Certificate in document No.1991/2018, dated 30.07.2018, the area was also given as 114 Sq.ft. However, in the impugned order, it had been mentioned that during physical verification it was found that the show room was 12 X19.5 feet and it was stated that it does not come within the required dimensions. During the course of hearing, the certificate had also been produced which had been filed along with the writ petition which is also certified by the Village Administrative Officer wherein he had actually stated that the area of 4.10 meter X 5.80 meter. If that is taken into consideration, the area offered by the petitioner would be well within the required area as required by the respondents. That being the only ground on which the impugned order has been passed rejecting the candidature of the respondents herein and since as a matter of fact, the show room offered by the petitioner actually is within the dimensions as required by the respondents, it would only be appropriate that the impugned order is set aside. The respondents are therefore requested to examine the area now offered by the petitioner and thereafter if it is to their requirement, issue orders granting her LPG Distributorship with the usual terms and conditions. It is hoped that the entire exercise shall be completed on or before 31.03.2020.

7. With the above observation, this writ petition is allowed. Consequently, connected miscellaneous petitions are closed. No costs.

WEB COPY
-s/d-
Assistant Registrar
True Copy

Sub-Assistant Registrar

vum

3/4

To

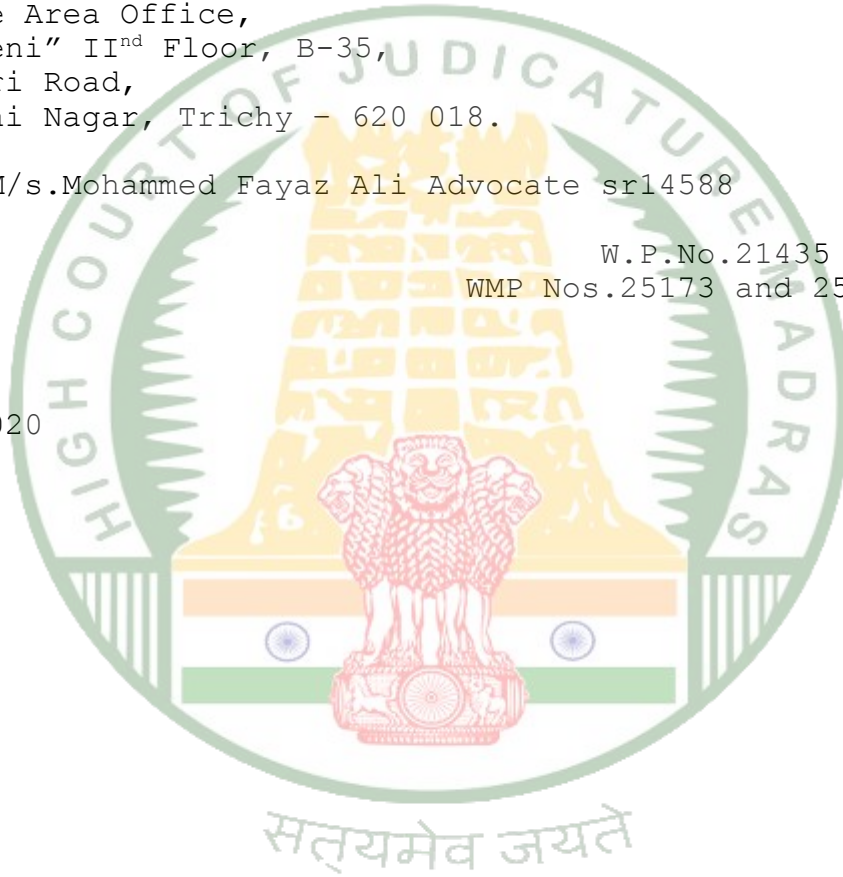
1. The Deputy General Manager,
LPG Marketing Division,
Indian Oil Corporation Limited,
Indian Oil Bhavan,
139, Nungambakkam High Road,
Chennai - 600 034.

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

+1 cc to M/s.Mohammed Fayaz Ali Advocate srl4588

W.P.No.21435 of 2018 and
WMP Nos.25173 and 25174 of 2018

aa25/02/2020



WEB COPY