

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.07.2020

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.14918 of 2017 and
W.M.P. No.16158 of 2017

K.Aravindhan

.. Petitioner

Vs.

1.The Secretary

Ministry of Petroleum and Natural Gas
Government of India
Shastri Bhavan
New Delhi

2.The Senior Area Manager

Indian Oil Corporation Ltd
Marketing Division
Anna Salai, Chennai.

.. Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to consider the property leased out by the petitioner under lease agreement dated 24.12.2011, which was subsequently purchased by the petitioner under sale deed dated 17.4.2017, which is now offered as land for show room for LPG distribution and also directing the respondents to consider the representation of the petitioner dated 11.5.2017 and also directing the respondents to confirm the tender as per their letter dated 15.2.2017 and 2.3.2017.

For Petitioner : Mr.S.S.Rajesh

For Respondents: Mrs.N.K.Nithilavani, CGSC for R1
Mr.Abdul Saleem for R2

O R D E R

The petitioner has sought for a Writ of Mandamus, directing the respondents to consider the property leased out by him under lease agreement dated 24.12.2011, which was subsequently purchased by him under sale deed dated 17.4.2017, which is now offered as land for show room for LPG distribution and also for a direction to the respondents to consider his representation dated 11.5.2017 and also for a direction to the respondents to confirm the tender as per the letters dated 15.2.2017 and 2.3.2017 of the second respondent herein.

2. The case of the petitioner is that, he had applied for appointment of Distributorship for LPG distribution, for the area of Adi Annamalai Village, Tiruvannamalai Taluk, under open category on 21.10.2013, complying with the necessary requirements of the tender conditions.

3. The second respondent, namely the Senior Area Manager, Indian Oil Corporation Ltd, Marketing Division, Chennai, has sent a letter on 15.02.2017, stating that the petitioner was qualified for re-draw for selection of LPG Distributorship and was asked to attend the draw that was scheduled on 27.02.2017 and he was declared as the selected candidate. Though the tender was called for in the year 2013, the lucky draw proceedings was conducted only in the year 2017.

4. It is the further case of the petitioner that the land comprised in Dry Survey No.174/2A, which was purchased by the father of the petitioner was offered for the purpose of go down and warehouse, which was also accepted by the second respondent for field verification and the petitioner had also offered a land belonging to his mother comprised in Dry Survey No.158/2, for the purpose of show-room. However, the second respondent, vide letter dated 28.4.2017, had stated that, as per the Policy for Selection of Distributorship 2015, clause No.9.1, in case if the offered land for go down/show room by the selected candidate, which was shown in the application is found not meeting the eligibility condition, as stipulated in the advertisement/brochure at the time of field verification, the selected candidate can offer an alternative land, which is owned by the applicant or member of the family unit or land belonging to parents and guardians as on the last date for submission of application, as specified either in the advertisement or corrigendum, if any and directed the petitioner to offer an alternative land as per the policy guidelines on or before 11.05.2017.

5. Though the petitioner had earlier entered into a lease agreement, in view of the communication received from the second respondent, he decided to purchase the said lease property and a sale deed was executed in his favour on 17.04.2017. However, it is now stated that the property purchased by the petitioner under the sale deed dated 17.04.2017 offered as the land for distributorship for LPG distribution, was not considered by the second respondent for various reasons. Hence the mandamus has been filed.

6. Heard both sides and perused the materials available on record.

7. Hence, considering the facts and circumstances of the case and the submissions made on either side, this Court, without expressing any opinion on the merits of the case, directs the second respondent to consider the representation of the petitioner dated 11.5.2017 and pass appropriate orders,

on merits and in accordance with law, after issuing notice to the petitioner, and by affording an opportunity of personal hearing to the petitioner and after verifying the relevant documents, within a period of three weeks from the date of receipt of a copy of this order.

8. With the above directions, the writ petition stands disposed of. No costs. Consequently, the connected writ miscellaneous petition is closed.

-s/d-

Assistant Registrar (CS-I)

True Copy

Sub-Assistant Registrar

To

1. The Secretary
Ministry of Petroleum and Natural Gas
Government of India
Shastri Bhavan
New Delhi

2. The Senior Area Manager
Indian Oil Corporation Ltd
Marketing Division
Anna Salai, Chennai.

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