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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.07.2021

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH
and
THE HON'BLE MS.JUSTICE R.N.MANJULA

W.A.No.1053 of 2018
and C.M.P.No.8860 of 2018

V.Illayavendhan

.. Appellant/Petitioner

Vs

1.The Senior Area Manager
Chennai Area Office,
Indian Oil Corporation Ltd.,
Marketing Division, Indane Area Office,
500, Anna Salai, Teynampet,
Chennai - 600 018.

2.R.Gokulakrishnan

.. Respondents

Appeal filed under Clause 15 of Letters Patent against the order dated 02.03.2018 made in W.P.No.44731 of 2016.

Prayer in W.P.No.44731 of 2016 : Writ Petition filed under Article of the Constitution of India to issue a Writ of Certiarified mandamus to call for the records of Respondent in connection of candidature of petitioner is rejected in impugned order in Ref. NO. CHAO/ IMP/ TIRUVALLUR-1/ 026 dated 16.12.2016 and also subsequent letter dated 21.12.2016 (but date wrongly mentioned as 21.11.2016) and quash the same and further to direct the Respondent to issue Letter of Indent (LOI) to petitioner and further connected orders for setting up of the LPG Distributors at Tiruvallur-I (Urban/Rural).

For Appellant : Mr.M.Muthusamy

For Respondents : Mr.V.Anantha Natarajan for R1
Mr.D.Sasikumar for R2

JUDGMENT

(Delivered by M.M.SUNDRESH, J.)

This appeal has been preferred by the appellant though was selected initially, got his candidature rejected on the premise



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the impugned order, which in my considered view does not warrant any interference. Accordingly, the writ petition fails and the same is dismissed. No costs. Consequently, connected miscellaneous petition is closed."

3. Learned counsel appearing for the appellant submitted that the appellant is entitled for an opportunity. The second respondent has been selected and thereafter given the distributorship only during the pendency of the writ petition. In support of his contention, the learned counsel appearing for the appellant made reliance upon the letter dated 09.06.2016 of the Indian Oil Corporation Limited.

4. We do not find any merit in this appeal. The aforesaid communication only deals with either the sale or cancellation of lease. On inspection, the land offered by the appellant was found to be not within the advertised location as per the Guidelines for Selection of Regular LPG Distributors. Therefore, even on that count, the appellant was found not suitable. Despite the request made by the appellant to provide an alternative land, he did not do so. Only under those circumstances, the impugned order of cancellation was passed rejecting the candidature of the appellant.

5. In such view of the matter, we do not wish to interfere with the order passed by the learned Single Judge. However, considering the facts of the case, especially the fact that an indication was given to the appellant for consideration of his case, even after finding that the land has not been in terms with the advertised location, the first respondent is directed to return the amount of Rs.25,000/- (Rupees Twenty Five Thousand Only) deposited instead of forfeiting within a period of four weeks from the date of receipt of a copy of this judgment.

6. With the above said observation, the writ appeal stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-VIII)

//True copy//

Sub Assistant Registrar

ssm



To

The Senior Area Manager
Chennai Area Office,
Indian Oil Corporation Ltd.,
Marketing Division, Indane Area Office,
500, Anna Salai, Teynampet,
Chennai - 600 018.

+1cc to Mr.V.Anantha Natarajan, Advocate SR.No.33342

+1cc to Mr.S.D.Sasikumar, Advocate SR.No.33365

W.A.No.1053 of 2018

VG-II(CO)
GMY(02/08/2021)