

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2021

CORAM :

THE HONOURABLE MR. JUSTICE M.M.SUNDRESH
AND
THE HONOURABLE MS. JUSTICE R.N.MANJULA

W.A.No.486 of 2020

The Senior Area Manager,
Indian Oil Corporation Ltd.,
Indane Area Office,
No.8/1079, Avinashi Road,
Coimbatore - 641 108.Appellant/1st Respondent

Vs

1.P.Gnanavel1st Respondent/Claimant

2.Union of India
Rep. by its Secretary,
Ministry of Petroleum and Natural Gas,
Shastri Bhavan,
New Delhi.2nd Respondent/2nd Respondent

Prayer: Appeal filed under 15 of Letters Patent against the order dated 14.02.2020 made in W.P.No.4005 of 2019.

Prayer in W.P.No.4005 of 2019 : Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus directing to call for the records pertaining to the impugned proceedings of the 1st respondent vide reference CBE-AO-IMP 2013-14 CBE/KVP/2 dated 27.12.2018 by the 1st respondent quash the same and direct the respondent to process the award of the distributorship to the petitioner as per the proceeding CBE-AO-IMP 2013-14 : FVC dated 01.03.2014 to issue the letter of intent to the petitioner.

For Appellant : Mr.M.S.Krishnan, Sr.Counsel
for Mr.Mohammed Fayaz

For Respondents : Mr.V.Manohar for R1
No appearance for R2

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

This appeal lies in a very narrow compass.

2. The learned Single Judge set aside the proceedings of the appellant and consequently issued a direction to consider the application of the first respondent with respect to the land offered by him and if satisfied the conditions required to grant LPG distributorship.

3. Learned Senior Counsel appearing for the appellant submitted that the land offered by the first respondent/writ petitioner is different from the one offered earlier pursuant to the application made. The earlier land was situated in Survey No.102/3 and it was not approved as it was felt that it was outside the territorial jurisdiction of the area meant to be given for the distributorship. It is also to be seen that earlier this Court has passed an order in W.P.No.37039 of 2016 dated 27.09.2018 as could be seen from the following paragraphs:-

"3. However, when the matter is taken up for hearing, the learned counsel appearing for the I respondents submitted that the respondents would consider the claim of the petitioner on merits, if the petitioner produces the required documents to the affect that his show room is falling within the territorial limits of Kaveripattinam.

4.Considering the facts and circumstances of the case, this court without going into the merits of the case, directs the respondents to consider the claim of the petitioner and pass appropriate orders on merits and in accordance with law, after affording an opportunity of personal hearing to the petitioner as well as any other interested parties, within a period of six weeks from the date of receipt of a copy of this order. The petitioner is at liberty to produce the required documents, to substantiate his claim, to the respondents at the time of enquiry.

5.With the above directions, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed."

4. Learned Senior Counsel appearing for the appellant submitted that the aforesaid exercise can very well be done with respect to the land offered at the first instance being the subject matter of the writ petition in W.P.No.37039 of

2016 and as indicated in the application made.

5. Learned counsel appearing for the contesting respondent/writ petitioner also accepted the said statement made.

6. In such view of the matter, the order passed by the learned Single Judge is set aside and consequently the appellant is directed to re-do the exercise after putting the first respondent/writ petitioner on notice to the land indicated in the application originally in Survey No.102/3. This is for the purpose of satisfying that the aforesaid land is situated within the area earmarked for distributorship. The aforesaid exercise will have to be done within a period of eight weeks from the date of receipt of a copy of this judgment. If the area identified at the first instance is within the area meant for distributorship, appropriate orders will have to be passed within a further period of six weeks after completion of the process of measurement and inspection. The assistance of Taluk Surveyor can also be sought for, if so required. Needless to state that if the land offered is outside the area meant to be utilized for distributorship, the first respondent/writ petitioner shall not be entitle to the distributorship.

The writ appeal stands allowed accordingly. No costs. C.M.P.No.7299 of 2020 is closed.

Sd/-
Assistant Registrar(CS-VI)

//True copy//

Sub Assistant Registrar

ssm

To

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

2. The Senior Area Manager,
Indian Oil Corporation Ltd.,
Indane Area Office,
No.8/1079, Avinashi Road,
Coimbatore - 641 108.

+1cc to Mr.V.Manohar, Advocate SR.No.25388

W.A.No.486 of 2020

LN (CO)

<https://hcservices.courts.gov.in/hcservices/>
GMR (18/06/2021)