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W.P.No.7296 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

W.P.No.7296 of 2018

S. Annamalai

..Petitioner

Vs.

1. Indian Oil Corporation Limited,
Rep. by its Senior Area Manager
500, Anna Salai, Teynampet,
Chennai – 600 018.

2.The Tasildhar
Tiruvannamalai.
..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of Writ of Mandamus, to direct the first respondent to accept the certificate issued by the second respondent, The Tasildhar dated 09.03.2018, recognizing the new showroom at No.128, Nallvanpalayam Village, Thandranpattu Main Road, Thiruvannamalai Taluk which falls within the jurisdiction as demanded by the first respondent and for consequential orders.



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For Petitioner : Mr.V.Lakshminarayanan
For Respondents : Mr.Adbul Saleem,
Standing Counsel, for R1
Mr.U.Baranidharan
Additional Govt. Pleader for R2

ORDER

The prayer in the Writ Petition reads as follows:-

to direct the first respondent to accept the certificate issued by the second respondent, The Tasildhar dated 09.03.2018, recognizing the new showroom at No.128, Nallvanpalayam Village, Thandranpattu Main Road, Thiruvannamalai Taluk which falls within the jurisdiction as demanded by the first respondent and for consequential orders.

2.The short facts leading to filing of the Writ Petition are as follows:-

The petitioner, who is an ex-serviceman applied for being appointed as a dealer to vend LPG cylinders as an agent of the 1st respondent Corporation. The location was advertised as Nallavanpalayam



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in Tiruvannamalai District. The classification was urban-rural. The petitioner had produced the lease deed dated 21.10.2013 with reference to land in Survey No.68/4 of Samudram Village, Tiruvannamalai Taluk.

ii)The Corporation, upon inspection, found that there is a variation and Survey No.68/4 is not within the limit of Nallavanpalayam Village, even though it is within the limits of Nallavanpalayam Panchayat. Therefore, the Inspecting Officer did not recommend for grant of Letter of Intent. The petitioner was required to offer an alternate location by the communication of the Corporation dated 04.01.2018. Hence, the petitioner filed W.P.No.723 of 2018, seeking a Writ of Mandamus to award LPG dealership. The same was disposed on 19.01.2018 by this Court, directing the 2nd respondent to issue a fresh certificate after conducting enquiry / local inspection. Thereafter, the petitioner entered into a lease agreement in respect of another piece of land situate at Survey No.4/6B of Nallavanpalayam on 25.01.2018 and submitted the same along with the certificate of the Tahsildar for approval of the Corporation. Simultaneously, the petitioner moved this Court seeking a mandamus as stated above.



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3.The confusion had arisen because of the fact that the original lease deed that was submitted by the petitioner in 2013, related to a property situate in Samudram Village. The Inspecting Officer of the Corporation felt that the location may not be as required in the advertisement, since the property was not situate in Nallavanpalayam Village but was situate in Samudram village, which is a hamlet of Nallavanpalayam Panchayat. This led to the petitioner taking another piece of land on lease and offering the same to the Corporation.

4.After several adjournments, the petitioner has produced a clarification by the Information Officer of the Tahsildar's Office , Tiruvannamalai to the effect that Samudram village is a hamlet of Nallavanpalayam panchayat. Once it is shown that the property is situate within the limits of Nallavanpalayam Panchayat and advertised location being Nallavanpalayam, without any further qualifications, the Inspecting Officers of the Corporation were not right in not recommending the case of the petitioner for issue of Letter of Intent. The Oil Corporation could not accept the alternate land also because of the conditions for grant of dealership, which



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require the land to be made available on the last date of the submission of the application.

5.However, now that it has been clarified to the effect that Samudram Village is a hamlet of Nallavanpalayam Panchayat. There should not be any difficulty for the 1st respondent / Corporation in granting a Letter of Intent to the petitioner for the old location offered by him along with this application. The current situation had arisen because of the lack of clarity in the advertised location by the Corporation. The Corporation would do well to indicate the area of operation precisely by indicating the available requirement to be within the Panchayat or municipal limits.

6.In view of the fact that the location offered by the petitioner in the year 2013, through the lease deed dated 21.10.2013 found to be within the Panchayat area, I do not think, the petitioner should be deprived of an opportunity, on a very technical ground, that it is not within the village notified. Hence, there will be a direction to the Corporation to issue Letter of Intent to the petitioner to establish the showroom at the original location



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namely, Survey No.68/4 of Samudram Village, Nallavanpalayam Panchayat.

The fact that the petitioner is an ex-serviceman is also taken into account while passing this order. I make it clear that this shall not serve as a precedent.

7.This Writ Petition is disposed of with the above directions. No costs.

13.12.2022

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Index:Yes/No

Internet:Yes/No

Speaking/Non-speaking order



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To-

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Indian Oil Corporation Limited,
500, Anna Salai, Teynampet,
Chennai – 600 018.

2.The Tasildhar
Tiruvannamalai.



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R.SUBRAMANIAN, J.

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