



Judgment dated 06.09.2022
in W.A.No.434 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 06.09.2022

Coram:

THE HONOURABLE MR.JUSTICE T.RAJA
and
THE HONOURABLE MR.JUSTICE P.D.AUDIKEVALU
Writ Appeal No.434 of 2020

M.Jayashree

.. Appellant

Vs.

1. The Chief Area Manager,
Indian Oil Corporation Ltd.,
Marketing Division,
Indian Area Office,
No.500, Anna Salai, Teynampet, Chennai.

2. Srinivasan .. Respondents
Writ Appeal filed under Clause 15 of the Letters Patent, against the order
dated 08.11.2019 passed by the learned Single Judge in W.P.No.15886 of 2017
on the file of this Court.

For appellant : Mr.A.K.R.Ravi

For respondents : Mr.Abdul Saleem for R-1

Mr.T.M.Hariharan for R-2

JUDGMENT

(The Judgment of the Court was delivered by T.Raja, J)

This Writ Appeal is directed against the order dated 08.11.2019 passed by
the learned Single Judge in W.P.No.15886 of 2017, in and by which, the learned
Single Judge refused the request of the writ petitioner to quash the order dated

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16.05.2017 passed by the first respondent, affirming the issue raised in the appeal that the second respondent is a resident of K.V.Kuppam Village.

2. The learned counsel for the appellant argued that when the first respondent-IOCL conducted a draw of lots, both the appellant and the second respondent have participated, but in the said draw of lots, the second respondent-Srinivasan was selected and subsequently, he was declared as a selected candidate based on the residential certificate given by the second respondent stating that he is a resident of K.V.Kuppam Village Panchayat. The first respondent called for an application and gave advertisement on 30.11.2013 for LPG Distributorship under the Rajiv Gandhi Grama LPG Vitrak Notification calling for application for LPG Distributorship in K.V.Kuppam Village under the other Backward Class quota. The second respondent had given a wrong address that he belongs to K.V.Kuppam Village and obtained an order of allotment of LPG Distributorship. However, on receiving the information that the second respondent is not a resident of K.V.Kuppam Village and therefore, his selection for LPG Distributorship for K.V.Kuppam Village, was wrong, the appellant/writ petitioner gave a complaint. Based on the complaint, the order of cancellation was passed against the second respondent.



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3. The learned counsel for the appellant further contended that the second respondent, questioning the correctness of the cancellation of the LPG Distributorship for K.V.Kuppam Village, based on the address given by the first respondent, earlier filed a Writ Petition before this Court in W.P.No.5535 of 2015 for issuance of a Writ of Mandamus to direct the Tahsildar, Katpadi Taluk, the second respondent therein, to furnish the correct particulars of the Nativity Certificate issued by him on 16.10.2014 and withdrew the earlier communication sent by him on 30.09.2014. The grievance of the second respondent in the said Writ Petition was that inspite of the clarification sought for by the IOCL in the letter dated 30.09.2014, the Tahsildar, without conducting any enquiry, has sent a communication to IOCL stating that the Writ Petitioner, namely the second respondent herein, is not a resident of K.V.Kuppam Panchayat. The learned Single Judge, accepting the limited prayer to consider the petitioner's representation therein, dated 13.02.2015, has directed the second respondent-Tahsildar of Katpadi Taluk to consider the second respondent's representation, dated 13.02.2015, and after affording an opportunity of personal hearing and conducting enquiry to ascertain the correct Nativity of the second respondent and issue a Certificate, based on which, the residential certificate dated 23.01.2017 has been issued by the Tahdilar of Katpadi. Based on the same, the first respondent has issued LPG allotment order. When the Writ Petitioner has



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given a representation enclosing the documents to show that the said Srinivasan, is not a resident of K.V.Kuppam Village, the first respondent/IOCL even after receipt of the said representation, till date, has not conducted any enquiry and no order has been passed on the said representation given by the appellant/writ petitioner.

4. Learned counsel for the appellant further submitted that the second respondent is a resident of P.K.Puram Panchayat and this is evident from the fact that in October 2014, the Deputy Tahsildar sent an information under the Right to Information Act that the said Srinivaan belongs to P.K.Puram Panchayat. Apart from this, there are documents to show that the said Srinivasan belongs to P.K.Puram Village and is a resident of Vanniyar Street and in K.V.Kuppam, there is no such Vanniyar Street. Moreover, there is also a Certificate issued by the K.V.Kuppam Panchayat President. Further, in P.K.Puram Village Panchayat, the second respondent/Srinivasan's name also found place in the Voter's list. In Voter Identity Card of Srinivasan placed in P.K.Puram Village Vanniyar Street, it is shown that his I.D. TN/07/036/-120547 shows that he is not eligible to apply for distributorship at K.V.Kuppam Village.

5. Based on the above facts only, the first respondent-IOCL came to the



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conclusion that the appellant/writ petitioner's complaint was established after due enquiry. Thereafter, the second respondent had carried out certain amendments in all documents and also obtained a Certificate that he is a resident of K.V.Kuppam Panchayat, because, as on that date, namely 30.12.2013, all the documents pertaining to Srinivasan show his address as old P.K.Puram Village and now the said address was corrected and rectified by him in his documents, and therefore, IOCL ought not to have considered the amendment carried out after the last date for filing of the application. This has been completely ignored by the learned Single Judge. Therefore, the impugned order is liable to be interfered with by allowing the Writ Appeal, he pleaded.

6. In reply, learned counsel appearing for the first respondent/IOCL submitted that when the appellant/writ petitioner gave a complaint to the first respondent alleging that the said Srinivasan (second respondent herein) does not belong to K.V.Kuppam Village, and he belongs to P.K.Puram, after summary verification, the selection of LPG Distributorship given in favour of the second respondent at K.V.Kuppam Village, was cancelled. The second respondent, aggrieved thereby, filed a Writ Petition impleading the Tahsildar as necessary party for a direction to conduct enquiry to find out his residential status and this Court, by order dated 03.03.2015 in W.P.No.5535 of 2015, directed the



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Tahsildar, Katpadi to conduct enquiry after giving an opportunity of hearing and issue relevant Nativity Certificate. Thereafter, a detailed enquiry was conducted as per the direction given by this Court, by the Tahsildar, P.K.Puram Village, in which the second respondent has participated by producing all the documents and some of the documents, namely Driving Licence issued in favour of the second respondent shows that he belongs to K.V.Kuppam and another document, namely the Ration Card issued by the Civil Supplies Department, also shows that he belongs to K.V.Kuppam, which have been accepted. Therefore, when the second respondent was able to produce all the relevant and acceptable evidence showing that he belongs to K.V.Kuppam Village, the stand taken by the appellant that the second respondent belongs to P.K.Puram Village is unacceptable. The only competent authority to probe into the issue as to whether the second respondent belongs to K.V.Kuppam Village or P.K.Puram Panchayat, is only the Tahsildar of K.V.Kuppam Village, who after conducting a detailed enquiry based on the Driving Licence and Ration Card, came to the conclusion and without questioning the same, the appellant cannot file Writ Petition earlier and therefore, the learned Single Judge also rightly held against him in the impugned order that the Nativity Certificate has been issued on proper enquiry by the Tahsildar concerned, and without questioning the same, the appellant cannot maintain the Writ Petition to challenge the order dated



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16.05.2017 issued by the first respondent, allotting the LPG Distributorship for K.V.Kuppam Village.

7. We also find that the second respondent has obtained Nativity Certificate from the competent authority/Tahsildar of Katpadi Taluk, and the Driving Licence, Ration Card and Voter ID Card clearly show that the second respondent does belong to K.V.Kuppam Village.

8. For the reasons stated above, this Court does not find any infirmity in the impugned order passed by the learned Single Judge. The Writ Appeal fails and the same is accordingly dismissed. There shall be no order as to costs.

(T.R.J) (P.D.A.J)
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Speaking Order: Yes/no
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