



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.NO.7925 OF 2018

AND

W.M.P.NOS.9876 & 9877 OF 2018

M.S.Murugesan
S/o.PMP Srinivasan

... Petitioner

.Vs.

1. The Ministry of Petroleum and Natural Gas,
Represented by its Secretary,
The Government of India,
Sastri Bhavan,
New Delhi - 110 001.

2. The Deputy General Manager,
(LPG-Sales),
Indian Oil Corporation Limited,
Indane Area Office,
8/1079, Avinashi Road,
Coimbatore - 641 018.

... Respondents

PRAYER:-

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for records relating to the rejection order of the petitioner's application by the 2nd respondent letter Ref. No.CBE/IMP:2017-18/PUKKRCH dated 17.01.2018 and subsequent letter Ref. No. CBE/IMP:2017-18/PUKKRCH dated 30.01.2018 and quash the same and direct the 2nd respondent to issue letter of intent to the petitioner.

For Petitioner : Mr.M.R.Gokul Krishnan

For Respondents : Mr.P.Ayyaswamy
For R1

Mr.Abdul Saleem
For R2



O R D E R

This Writ Petition has been filed challenging the order rejecting the petitioner's application for award of LPG Distributorship at Pulliyankuruchi Village, Salem District.

2. According to the petitioner, the respondents Petroleum Corporation called for applications for awarding LPG Distributorship in the above said village and in pursuant to the same, the petitioner has also filed his application. However, the Field Verification Committee had found that the land offered by the petitioner would not fall under the notified location. Subsequently, he was asked to provide alternative site, for which the petitioner has proceeded lease deed in respect of the land in the notified location. But, the respondent holding that it is not a valid document as per the unified guidelines for selection, and rejected the petitioner's application. Now, challenging the same, the present Writ Petition has been filed.

3. Mr.M.R.Gokul Krishnan, learned counsel appearing for petitioner would submit that, even though the original land and showroom offered by the petitioner is not coming within the revenue village, subsequently, he has offered another site, which falls within the notified location, but without considering the same, his application has been rejected. That apart, the respondents have forfeited the security deposit, which is totally illegal.

4. The learned counsel appearing for respondents would submit that, as per the notification, the petitioner should locate the showroom at Puliyankurichi Village, however, he has given the land and showroom at some other revenue village. Subsequently, the alternative site offered by the petitioner is also an unregistered lease agreement, and the same is not a valid document as per the unified guidelines for selection. Hence, it was rejected. Since the petitioner has given false and incorrect information while filing the application, the security deposit has been forfeited by the respondents.

5. Heard and considered rival submissions made by learned counsel appearing for both sides and perused the records carefully.

6. Admittedly, the notification location for a LPG Distributorship is Puliyankurichi village. The land and showroom offered by the petitioner, admittedly, do not fall within the Puliyankurichi village and the alternative site offered by petitioner is also based on an unregistered lease agreement, which is not a valid document as per the unified guidelines for



selection. Hence, the respondents have rightly rejected the petitioner's application and I find no illegality in it. So far as forfeiture of security deposit is concerned, as per the notification, if the respondents Corporation establishes that the applicant has given false, incorrect and mis-information while filing the application, then only they can forfeit the security deposit remitted by the applicant. But in this case, there is no false and incorrect statement and he has only offered the land in another village instead of notified location. At any rate, it cannot be considered as false and incorrect statement. Hence, the respondents are directed to return the security deposit remitted by the petitioner. Accordingly, this Writ Petition is dismissed. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

rpp

To

1. The Secretary,
The Ministry of Petroleum and Natural Gas,
The Government of India,
Sastri Bhavan,
New Delhi - 110 001.
2. The Deputy General Manager,
(LPG-Sales),
Indian Oil Corporation Limited,
Indane Area Office,
8/1079, Avinashi Road,
Coimbatore - 641 018.

+1cc to Mr.Abdul Saleem , Advocate, S.R.No.20466
+1cc to Mr.P.Ayyaswamy, Advocate, S.R.No.20176
+1cc to Mr.K.Rajasekaran, Advocate, S.R.No.19938

W.P.NO.7925 OF 2018

AK (CO)
PBS/19/05/2022