



W.P.No.37699 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

ORDERS RESERVED ON : 25.08.2022

PRONOUNCING ORDERS ON : 29.08.2022

Coram:

THE HONOURABLE JUSTICE MR.N.ANAND VENKATESH

W.P.No.37699 of 2015
and MP Nos.1 & 2 of 2015

Chandrasekaran, T.

..Petitioner

.Vs.

1.Bharat Petroleum Corporation Ltd.,
Rep. By Regional Manager
No.1, Ranganathan Gardens
Off. 11th Main Road
Anna Nagar
Chennai 600 040.

2.Territory Manager (LPG)
Bharat Petroleum Corporation Ltd.,
No.1, Ranganathan Gardens
Off. 11th Main Road
Anna Nagar
Chennai 600 040.

3.Mrs.Kiruba Beaula

... Respondents

(R-3 is impleaded as per Order dt.05.12.2016
by BRJ n WMP.No.36277/2016 in WP.37699/2015)



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Prayer: Writ Petition under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, to call for records relating to Order No.CHEN:LPG:REDHILLS: dated 12.9.2015 issued by the 2nd respondent and quash the same and direct the respondents to award LPG Distributorship in favour of the petitioner under the OBC (GP) category for Red Hills location.

For Petitioner : Mr.R.John Joseph
for M/s. Giridhar & Sai

For Respondents : Mr.O.S.Karthikeyan
for R1 and R2

M/s.DJ.Adinarayanan
for R3

ORDER

The subject matter of challenge in the present Writ Petition pertains to the order dated 12.09.2015 issued by the 2nd respondent and for a consequential direction to the respondents to award LPG distributorship in favour of the petitioner under the OBC (GP) category.

2. The case of the petitioner is that the respondent Corporation offered LPG distributorship under various categories at various locations in the State of Tamil Nadu and Puducherry during the year 2013-14. The petitioner applied for LPG distributorship in the category of OBC(GP) at Redhills location by enclosing all the relevant documents and by



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paying the necessary fees. The petitioner also entered into a lease agreement for a period of 16 years with respect to the showroom admeasuring 4.5 Meters X 3.35 Meters and godown measuring 25 Meters X 30 Meters for the purpose of obtaining LPG distributorship. The showroom was situated in Padiyanallur, Redhills and the godown was situated in Ponneri.

3. The further case of the petitioner is that he was declared as the sole candidate selected in the category of OBC (GP) for Redhills location and he was called upon to pay the necessary fee for field verification of credentials. The field verification took place and the petitioner was awaiting for being awarded with the LPG distributorship.

4. The grievance of the petitioner is that the 2nd respondent through the impugned order dated 12.09.2015, informed the petitioner that he was declared ineligible on the ground that the showroom is not as per the requirement mentioned in the advertisement and that the showroom is not within the Redhills location. Aggrieved by the same, the present Writ Petition has been filed before this Court.

5. The respondent Corporation has filed a counter affidavit. The relevant portions in the counter affidavit are extracted hereunder:

“Continuing the verification process (FVC) the Officer nominated for FVC also found the Show-room mentioned in the application/ Lease Deed dated 17.10.2013 Sl. No. 115/10 A 2B, Padiyanallur Village, Ponneri Taluk, Tiruvallur District is in Padiyanallur Village and not in the advertised location REDHILLS.



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As per Schedule to the Lease Deed dated 17.10.2013, it is clear the Show-room is in Tiruvallur District, Ponneri Taluk, Padiyanallur Village S.No.115 / 10A 2B. Petitioner is clearly aware his Show-room is not in the advertised location.

Petitioner is also aware that his Show-room is NOT in the advertised location REDHILLS and that is the reason why in his Application Show Room Land Column, he has wantonly inducted the words Redhills Circle. Whereas in the Schedule to the Lease Deed, it is clearly mentioned Padiyanallur.

To confirm from the Competent State Government Authority vide letter dated 04.02.015, Corporation requested Tahshildar, Madhavaram Taluk to clarify whether the locations Redhills and Padiyanallur in Madhavaram Taluk are the same.

Tahsildar Madhavaram Taluk clarified in his letter dated 06.02.2015 that

(1) Redhills is a separate Village coming under Naravarikuppam Town Panchayat Madhavaram Taluk

(2) Padiyanallur Village is not covered under Madhavaram Taluk.

By letter dated 09-02-2015, the Corporation requested the Tahsildar, Ponneri Taluk to clarify whether the locations Redhills and Padiyanallur in Ponneri Taluk are the same.

By letter dated 20-02-2015, Tahsildhar Ponneri Taluk clarified that

(1) Redhills Village is not covered under Ponneri Taluk.

(2) Padiyanallur Village is a separate Revenue Village coming under Solavaram Panchayat, Ponneri Taluk.



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From the confirmation from Tahsildar Madhavaram Taluk and Tahsildar Ponneri Taluk it is clear that

(1) Redhills is a separate Revenue Village, under Naravarikuppam Town Panchayat, Madhavaram Taluk.

(2) Padiyanallur is a separate Revenue Village, under Solavaram Panchayat, Ponneri Taluk.

Therefore, I submit the Show-Room mentioned in the Application/ Lease Deed dated 17.10.2013 by the Petitioner is NOT in the advertised location REDHILLS.

For the reasons that

(a) the Show-room location mentioned in the Application by the Petitioner is NOT in the advertised location as specified in the advertisement

(b) as the Show-room dimension 3.35 Meters x 4.27 Meters as specified in the Lease Deed dated 17.10.2013 is NOT as per minimum dimension requirement of 3 Meters x 4.5 Meters as per the Advertisement affects the Guidelines for Selection of Regular LPG Distributors, the candidature of the Petitioner was rightly rejected by the Corporation in the impugned order dated 12-09-2015.”

6. The 3rd respondent also participated in the selection and since the petitioner was selected, he lost his chance. Therefore, he is contesting this Writ Petition on the ground that the petitioner is not entitled for the distributorship. The 3rd respondent has raised yet another ground against the petitioner to the effect that the property in which the showroom is proposed to be located has already been acquired by the National Highways and compensation was also received by the owner of the property and the property shown in the



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lease deed does not belong to the owner. Therefore, the 3rd respondent has contended that the application made by the petitioner is liable to be rejected.

7. Heard Mr.R.John Joseph, learned counsel for the petitioner, Mr.O.S.Karthikeyan, learned counsel for R1, R2 and Mr. DJ.Adinarayanan, learned counsel for R3.

8. In the considered view of this Court, the claim made by the petitioner is liable to be rejected on the sole ground that the showroom does not fall within the Redhills location. The respondent Corporation has received the clarification from the Tahsildar of both Madhavaram Taluk and Ponneri Taluk to the effect that the showroom mentioned in the application is not within the Redhills location.

9. The Division Bench of this Court in ***Territory Manager-LPG v. R.K. Pradeep Raj*** reported in ***(2015) 6 CTC 138***, had an occasion to consider the importance of a location fixed for granting distributorship and it was held as follows:

“7.Next, it is also necessary to appreciate the distinction between the words ‘location’ and ‘locality’. The word ‘locality’ is defined as a ‘neighbourhood’ or ‘area’ or ‘location’. The word ‘location’ is defined as a ‘site’ or ‘position’. Both the words can be used interchangeably and have to be understood in the context wherein they are employed. In the case on hand, ‘location/locality’ means the area specified in the notification. In the notification, when the locality of ‘Puzhal/Kallikuppam’ is specified under the column ‘location’, it means any location within the said locality.



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8. In the case on hand, the object and rationale behind specifying location/locality in the notification is to cater to the needs of

the people living in and around the said location/locality. If a distributorship is given to a person in some other location, then, the very purpose of giving distributorship stands defeated or becomes otiose. The notification in this regard is clear, unambiguous and unequivocal. The respondent, by specifying the location as 'Puzhal/(to) Kallikuppam', had mis-represented the location of the showrooms. The respondent was aware that the showrooms are not located either in Puzhal or Kallikuppam Villages and as such, it was stated in the application as 'Puzhal/(to) Kallikuppam'. In such view of the matter, we have no hesitation in holding that the authorities have taken a legal and correct decision by declaring the respondent as not eligible."

10. The learned counsel for the petitioner was relying upon the certificate given by the VAO of the Padiyanalur Village to substantiate the fact that the showroom fell within Redhills location. However, this certificate cannot overwhelm the certificates/clarification given by the Tahsildar of Madhavaram Taluk and Ponneri Taluk. This Court has to necessarily act upon this clarification.

11. In view of the above discussion, the irresistible conclusion that can be arrived at by this Court is that the location of the showroom does not fall within the requirements of the notification and the 2nd respondent was perfectly right in rejecting the application for



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distributorship submitted by the petitioner. This Court does not find any merits in the Writ
Petition.

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12. In the result, this Writ Petition is dismissed and there shall be a direction to the respondent Corporation to immediately take steps to call for applications for granting LPG distributorship in the Redhills location. No costs. Consequently, connected miscellaneous petitions are closed.

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KP
Internet: Yes
Index: Yes/No



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N.ANAND VENKATESH. J.,

KP

**Pre-Delivery Order in
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