



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.04.2022

CORAM :

WEB COPY

THE HON`BLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.14981 of 2010

and

M.P(MD)Nos.1 & 2 of 2010

R.Vikas Stalin

: Petitioner

Vs.

1.The Senior Area Manager,
Indian Oil Corporation Ltd.,
No.2, Race Course Road,
Chokkikulam,
Madurai 625 002.

2.The Deputy Manager (RS),
Divisional Office,
Indian Oil Corporation Ltd.,
No.2, Race Course Road,
Chokkikulam,
Madurai 625 002.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari calling for the records pertaining to the impugned order in REF;MAO/539/10 Dated.13.12.2010, passed by the 1st respondent and quash the same.

For Petitioner :Mr.C.Mayil Vahana Rajendran
For Respondents :Mr.K.Muraleedharan
for R.1
No representation
for R.2

O R D E R

This writ petition is filed as against the order of the first respondent dated 13.12.2010 declaring the petitioner as ineligible for the award of Rajiv Gandhi Gramin LPG Vitrak (RGGLV) distributorship at RS Mangalam.

2.The respondents vide notification dated 31.03.2010 called for applications for the award of LPG retail outlet dealership. The petitioner, who belongs to Scheduled Caste community, has applied



for the same and he was also selected in the draw, subject to the other conditions. The petitioner was expected to submit a land, as required by the respondents Corporation. The petitioner has failed to fulfil the following conditions of allotment:-

"1.Residence certificate not produced.

2.Land offered (9.15m x 11.9m) does not meet the eligibility criteria of 20m x 24m.

3.The amount in savings bank for the family unit as on date of application is only Rs.5,631/- as against Rs.2,06,000/- claimed in the application.

4.Annexure-C is not submitted by your mother regarding the property shown as asset in the application and no Govt. Approved Valuer's Certificate is produced for the land of value of Rs.2 Lakhs in your father's name."

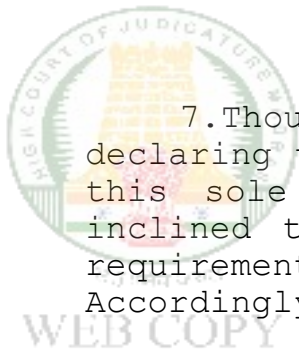
Therefore, the application of the petitioner was declared as ineligible and aggrieved over the same, he has moved the instant writ petition.

3.Learned Counsel for the petitioner submitted that the petitioner has already enclosed the nativity certificate along with the application. However, the respondents have stated that the said certificate was not enclosed. The other three reasons stated by the respondents can be rectified, however, without providing an opportunity to the petitioner to rectify the defects, the respondents Corporation has unilaterally rejected the petitioner's application as ineligible.

4.Learned Counsel for the respondents Corporation, by relying upon the counter affidavit, submitted that as per the policy of Indian Oil Corporation Ltd., a committee comprising of two officers conducted Field Verification of Credentials (FVC). After conducting verification, the officers reported that the land offered (9.15m x 11.9m) does not meet the eligibility criteria of 20m x 24m. That apart, the petitioner failed to produce the residential certificate and that the minimum total amount to be maintained in the savings account is not maintained. Therefore, they have declared the petitioner's application as ineligible.

5.Heard the learned Counsel appearing on either side and perused the documents placed on record.

6.The petitioner was provisionally selected for the dealership, however, his selection was subject to fulfilment of the Board's requirements. The respondents Corporation conducted a field inspection on 09.11.2010 and found that the land offered by the petitioner is only 9.15m x 11.9m, which does not meet the eligibility criteria of 20m x 24m.



7.Though the respondents have cited three more grounds for declaring the petitioner's candidature as ineligible, this Court, on this sole ground of not meeting the land requirements, is not inclined to interfere with the impugned proceedings, as the land requirement is the basic necessity for setting up the unit. Accordingly, this writ petition stands dismissed.

8.However, considering the fact that the petitioner, who belongs to Scheduled Caste community, has obtained the order on draw, this Court grants liberty to the petitioner to make a fresh representation, if so advised and if no other person has been granted allotment and if the petitioner meets the requirements of the respondents Corporation, then the respondents Corporation may consider the petitioner's representation, sympathetically. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

gk

TO

1.The Senior Area Manager,
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+1 CC to M/s.C. MAYIL VAHANA RAJENDRAN, Advocate (SR-17651[F]
dated 08/04/2022)

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KS (CO)
GC (02.05.2022) 3P 4C