



W.P.(MD).No.9887 of 2013

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

ORDER RESERVED ON : 30.09.2022

ORDER PRONOUNCED ON : 18.10.2022

**CORAM:
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P.(MD).No.9887 of 2013
and MP(MD).No.1 of 2013**

R.Ramakrishnan

....Petitioner

Vs

The Territory Manager (LPG)
Bharat Petroleum Corporation Limited
MGMTB Sanatorium (Post)
Sengipatti
Thanjavur 613 401

....Respondent

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the respondent in TNJ:AVD2/004 dated 07.05.2013 and quash the same as illegal and consequently direct the respondent to allot the distributorship at Avudayarkoil, Pudukkottai District under Rajiv Gandhi LPG Vitrac Scheme to the petitioner.

For Petitioner : Mr.T.Vadivelan
For Mr.A.K.Manikkam

For Respondent : Mr.S.Natesh Raja



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ORDER

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The present writ petition has been filed challenging an order under which the candidature of the writ petitioner for the domestic LPG distributorship was rejected by the respondent authority.

2.The respondent has issued a paper publication on 28.12.2011 calling for application for allotting distributorship of LPG dealership under Rajiv Gandhi LPG Vitrac (RGGLV) Scheme. The petitioner had submitted his application pursuant to the said advertisement. Along with the application, the petitioner has also enclosed a sale deed under which he has purchased the land and godown meant for running LPG dealership. The respondent has sent a communication to the writ petitioner calling for clarification whether really the godown is located within the village namely Avudaiyarkoil Village for which the petitioner has made an application.

3.The petitioner had contended that the land mentioned is located within the Avudaiyarkoil Village Panchayat. He had further contended that Panayavayal is the name of the location of the land of Avudaiyarkoil Village Panchayat. The petitioner has also produced a certificate issued by the Tahsildhar and the Village Administrative Officer to the effect that the land in question is located in Panayavayal Village, Avudaiyarkoil Taluk which is within the Avudaiyarkoil Panchayat. After the said clarification, the



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respondent authority conducted a field investigation and they came to a conclusion that the land in question is located in Panayavayal Village and not in Avudaiyarkoil Village for which advertisement was made. Since the property in question meant for locating the LPG godown was not as per the advertisement, the respondent has passed the impugned order rejecting the candidature of the writ petitioner. This order is under challenge in the present writ petition.

4. According to the learned counsel for the petitioner, the advertisement dated 28.12.2011 clearly states that the applications are called for Avudaiyarkoil Village/Town. Though certain doubts were entertained by the respondent, the petitioner has filed a clarificatory affidavit on 06.08.2012 to the effect that the Panayavayal Village is located within the Avudaiyarkoil Taluk and Avudaiyarkoil Panchayat. The petitioner has also submitted a certificate from the concerned Tahsildhar to the said effect. However without properly appreciating the sale deed presented by the petitioner and the certificate placed on record by the petitioner, the respondent has erroneously rejected the candidature of the petitioner.

5. The learned counsel for the petitioner had relied upon a Division Bench judgement of our High Court dated 15.07.2016 made *in WA(MD).No.*

866 of 2014 (M.Rajiv Pandian Vs. Hindustan Petroleum Corporation



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Limited and another) to the effect that when a land is provided within the same Panchayat, the same has to be accepted for LPG dealership. The learned counsel had further relied upon a judgement of the learned Single Judge of this Court dated 10.12.2021 made **in WP(MD).No.3084 of 2018(Vinodhini Chithiravelu Vs. Bharat Petroleum Corporation Limited and another)** to contend that when the land is located in the same Village, it should be accepted. Hence, he prayed for allowing the writ petition.

6.Per contra, the learned counsel appearing for the respondent had contended that the advertisement has specifically pointed out that it is being made for Avudaiyarkoil Village. The certificate issued by the Tahsildhar and the Village Administrative Officer will clearly indicate that the land in dispute is located in Panayavayal Village and not in Avudaiyarkoil Village. The advertisement is village specific and hence, if the godown is located in a different village, it cannot be accepted as proper compliance of the norms made in the advertisement.

7.The learned counsel for the respondent has relied upon a Division Bench Judgement of our High Court dated 20.02.2018 made **in W.A(MD).No.156 of 2018 (G.Bibib Gnanakumar Vs. Hindustan Petroleum Corporation Limited and others)** and contended that when the notification is for a particular Village and the candidate provides land in a different Village,



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the same cannot be accepted. Hence, he prayed for dismissal of the writ petition.

8.I have considered the submissions made on either side and perused the materials available on record.

9.It is not in dispute that the advertisement was published by the respondent on 28.12.2011 calling for application for allotting LPG distributorship for different villagers. A perusal of the advertisement clearly indicates that it is under a special scheme namely Rajiv Gandhi Grama LPG Vitrac (RGGLV) Scheme. Under the said scheme, the respondent has called for application for Avudaiyarkoil Village. The name of the scheme clearly indicates that it is Village specific and any deviation cannot be accepted by the respondent authority.

10.A perusal of the sale deed produced by the writ petitioner clearly indicates that the property identified by the writ petitioner for location of the godown is located in Panayavayal Village, Esamangalam Group, Avudaiyarkoil Panchayat. The certificates issued by the Tahsildhar and the Village Administrative Officer also indicate that the land in question is located in Panayavayal Village, Esamangalam Group, Avudaiyarkoil Taluk. From the above said facts, it is clear that the land is located in Panayavayal Village and not in Avudaiyarkoil Village.



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11.The scrutiny of the application by the respondent has to be considered only in the light of the scheme under which the advertisement has been made. The advertisement has been made under a special scheme namely Rajiv Gandhi Grama LPG Vitrak Scheme. Hence, it is clear that certain specific villages have been chosen by the respondent for establishing the LPG dealership for the benefit of the consumers of that particular village. Unless the land in which a godown is proposed to be constructed is located in the said Village, the authorities cannot accept the candidature of the concerned person. In fact, the advertisement has been made on 28.12.2011 and the petitioner has purchased the property on 24.01.2012. Hence, the petitioner had purchased the property only for establishment of a godown for LPG dealership based upon the said advertisement. Therefore, even on the date of purchase of the property, the petitioner was aware that the property is located in a different Village and not in the Village for which the advertisement was made.

12.The authorities have properly scrutinised the application and the document presented by the writ petitioner and have arrived at a conclusion that the petitioner is not having any land in the Village for which advertisement was made. The judgements cited by either side is not



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applicable to the facts of the present case, in view of the fact that the present advertisement has been made under a special scheme.

13.In view of the above said discussion, I do not find any illegality or infirmity in the order passed by the respondent authority. The writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

18.10.2022

Internet : Yes/No
Index : Yes/No
msa

To
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R.VIJAYAKUMAR, J.

msa



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Pre-delivery order made in

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and MP(MD).No.1 of 2013

18.10.2022