



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.04.2022

CORAM:

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P.[MD]No.5129 of 2022

and

W.M.P.[MD]No.4175 of 2022

I.Jeyaraani

... Petitioner

/Vs./

1.The Deputy General Manager,
Hindustan Petroleum Corporation Ltd.,
Madurai LPG Regional Office,
No:171-172, Phase-II,
SIDCO Industrial Estate,
Kappalur,
Madurai District.

2.The Union of India,
Represented by its Secretary,
Ministry of Petroleum and Natural Gas,
Shastri Bhavan,
New Delhi.

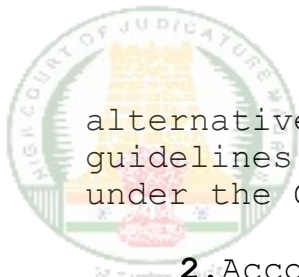
... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to impugned order passed by the 1st respondent in ref.MDLRO/LPG/Online Draw-DKV, dated February 07. 2022 and quash the same as illegal and unconstitutional, consequently direct the respondents to award LPG Distributorship of HPC at Thadikarankonam Village, Kanyakumari District under SC(Widow) category with reference to application no. HPC12760000122082017.

For Petitioner: Mr.T.Arul
for Mr.S.Balamurugan
For R1 : Mr.Mahaboob Athiff
Standing Counsel
For R2 : Mrs.Deepa
Central Government Standing Counsel

ORDER

This writ petition has been filed challenging the impugned communication dated 07.02.2022 rejecting the petitioner's candidature for LPG distributorship on the ground that on verification by the respondents, it is observed that the land offered by the petitioner was not in the advertised location and an



alternative land was also not afforded in terms of 18(b) of the guidelines to be satisfied by any applicant for LPG Distributorship under the Gramin Vitrak category.

2. According to the respondents, the petitioner has not satisfied the eligibility criteria with regard to the location of the showroom. The guideline 8A(m) deals with Godown and its location, which provides that in respect of Gramin Vitrak category, the candidate should own a plot of land having minimum dimension of 21 Metres * 26 Metres within 15 kms of the advertised location, whereas the guideline 8A(n) deals with Showroom, which provides that the applicant should own a suitable shop for showroom at the advertised location, which is within the village limits of the place mentioned under the column of 'location' in the advertisement. Therefore, in respect of Gramin Vitrak category, the applicant should have a showroom in the advertised location, while the godown could be located within 15 kms from the advertised location.

3. The petitioner, in her application for LPG distributorship, has shown S.No.738/7, Azhagiyapandipuram village, Kanyakumari District as Showroom and Godown. On field verification by the respondents, it was found that the said land would be eligible only for a godown, which was also intimated to the petitioner. Thereafter, the petitioner offered an alternative land at Erachakulam Village, Thovalai Taluk, Kanyakumari District, which according to the respondents, also did not satisfy the requirements.

4. "Village" is defined in Clause 1(h) of the guidelines, which reads as follows:

"h. Village: In this document, Village means the basic unit for rural areas which is the revenue village which has definite surveyed boundaries. The revenue village may comprise several hamlets."

5. "Location" is defined in Clause 1(v) of the guidelines, which reads as follows:

"v. Location - In this document, word location means the area identified for setting up of new LPG Distributor. It can be a locality/village/cluster of villages/town or city which is mentioned in the Notice for Appointment of LPG Distributors."

6. The advertised location is Thadikarankonam Village, whereas the alternative land offered by the petitioner is Erachakulam Village. Both are different revenue villages. As per the advertisement, the showroom should be in the advertised location, that is in the very same village.



7.However, since the petitioner has offered the land in Erachakulam Village, which is not within Thadikarankonam Village, this Court is of the considered view that the petitioner has not satisfied the eligibility criteria on the ground that the place that she has offered for the showroom falls outside of Thadikarankonam Village. Hence, this Court does not find any infirmity in the impugned order rejecting the petitioner's candidature for LPG Distributorship. Accordingly, this Writ Petition is dismissed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(AE)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

- 1.The Deputy General Manager,
Hindustan Petroleum Corporation Ltd.,
Madurai LPG Regional Office,
No:171-172, Phase-II,
SIDCO Industrial Estate,
Kappalur,
Madurai District.
- 2.The Secretary, Union of India,
Ministry of Petroleum and Natural Gas,
Shastri Bhavan,
New Delhi.

+1 CC to M/s.B. DEEPA, Advocate (SR-16605[F] dated 05/04/2022)

+1 CC to M/s.S. BALAMURUGAN, Advocate SR-16830[F] dated 06/04/2022

Order made in

W.P. [MD]No.5129 of 2022

Dated:**05.04.2022**

nsn(CO)

TR(28.04.2022) 3P 5C