



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.08.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.18048 of 2019 and
W.M.P.(MD)Nos.14487 & 14488 of 2019

A.Mugundhan

... Petitioner

Vs.

1. The General Manager (Sales),
LPG Distributorship,
Indian Oil Corporation,
Indane Area Office,
No.2, Race Course Road,
Chokkikulam,
Madurai – 625 002.

2. The Deputy General Manager,
(LPG sales),
Indian Oil Corporation,
Indane Area Office,
No.2, Race Course Road,
Chokkikulam, Madurai 625 002.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the second respondent in Ref. No.IOC04113018621092017, quash the same and consequently direct the respondents herein to appoint the petitioner as LPG Distributor of respondents at Govinda Nagaram, Theni District, by accepting the address proof



issued by the revenue authorities and Regional Transport Authority as well as the sale deed in favour of the petitioner for the land at Govinda Nagaram, Theni District.

For Petitioner : Mr.B.Jameel Arasu

For Respondents: Mr.K.Muraleedharan,
Standing counsel.

* * *

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Standing counsel appearing for the Indian Oil Corporation.

2. A notification was issued inviting applications for LPG distributorship on 20.08.2017. The writ petitioner applied under the category of Durgham Kshetriya Vitrak (DKV) in respect of Govindanagaram location. The petitioner was originally confirmed as a successful applicant in the draw of lots held on 22.06.2019. Later by the impugned communication dated 08.08.2019, the petitioner was informed that her candidature has been rejected. Challenging the same, this writ petition has been filed.



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3. The learned counsel appearing for the writ petitioner submitted that the rejection of the petitioner's candidature was on the following two grounds:-

a) The petitioner was not a resident of the advertised location.

b) The godown owned by the petitioner is also located outside the advertised location.

According to the petitioner's counsel, both the reasons are incorrect. He would further contend that the respondents cannot be permitted to improve the same.

4. Per contra, the learned Standing counsel appearing for the respondents submitted that the respondents have filed a detailed counter affidavit and he took me through the contents set out therein. He submitted that the impugned order does not call for any interference.

5. I carefully considered the rival contentions and went through the materials on record.



6. It is true that the authority cannot be permitted to improve their case. But the grant of relief under Article 226 of the Constitution of India is discretionary. The petitioner has to convince the Court that he or she is entitled to the relief. In the case on hand, the petitioner wanted to be allotted LPG distributorship under the category of Durgham Kshetriya Vitrak (DKV) for Govindanagaram village.

7. The learned Standing counsel draws my attention to the relevant guidelines. It is not in dispute that the Durgham Kshetriya Vitrak (DKV) candidate should have the land at minimum dimension of 15 meters x 16 meters in and out of the village limit. As per the advertised location 15 x 16 would come to 2580 sq.mts. The petitioner had enclosed the lease deed dated 18.09.2017 along with his application. The petitioner had been granted lease of 5 cents of land. 5 cents of land will come to 2180 sq.ft. Obviously, the petitioner does not meet the criteria set out in the guidelines. Of course the petitioner wanted to rely on a subsequent lease deed registered in the year 2020. But the said document cannot be relied upon. The petitioner's case will be adjudged based on



the position that prevailed on the date when he made his application. Since the petitioner did not have the godown of the required dimensions, he is not entitled to any relief.

8. This writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

02.08.2022

Index : Yes / No

Internet : Yes/ No

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G.R.SWAMINATHAN,J.

PMU

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