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W.P.No.88 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**W.P.No.88 of 2023
And
W.M.P.No.82 of 2023**

S.Prathima

... Petitioner

Vs.

1.Union of India
Ministry of Petroleum and Natural Gas,
New Delhi.

2.The Chief General Manager
Indian Oil Corporation,
Southern Region Office,
"Indian Oil Bhavan"
139, Uthamar Gandhi Salai,
Chennai 600 034.

3.The General Manager,
(LPG Sales),
Indian Oil Corporation,
Marketing Division,
Indane Area Office,
500, Anna Salai,
Teynampet,
Chennai 600 018.

4.N.Kuppan
5.N.Swetha

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to



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issue a Writ of Certiorarified Mandamus to call for the records of the order of Distributorship agreement dated 29.12.2022 through CHAO. 744 granted by the 2nd and 3rd respondent to the 4th and 5th respondents in the name of M/s.KomalaIndane Gas Agency and quash the same and subsequently direct the 2nd and 3rd respondent to conduct fresh and fair selection on Physically Challenged Open Category for allotment of LPG Distributorship.

For Petitioner : Mr.G.Rajagopalan
Senior Counsel
for M/s.M.Krishnamoorthy

For Respondents : Mr.K.Ramana Moorthy for R1
Central Government Standing Counsel
Mr.Mohammed Fayaz Ali for R2 & R3
Standing Counsel
Mr.J.Srinivas Mohan for R4 & R5
for M/s.TVJ Associates

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus to call for the records of the order of Distributorship agreement dated 29.12.2022 through CHAO. 744 granted by the 2nd and 3rd respondent to the 4th and 5th respondents in the name of M/s.KomalaIndane Gas Agency and quash the same and subsequently direct the 2nd and 3rd respondent to conduct fresh



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and fair selection on Physically Challenged Open Category for allotment of LPG Distributorship.

2.The case of the petitioner is that the petitioner is a physically challenged person and she is one of the candidate who applied for LPG Distributorship at Pammal and since there were 11 candidates the selection was made by draw. Thereafter, petitioner came to know that the fourth respondent was selected. The grievance of the petitioner is that the fourth respondent is not the owner of the property and he colluded with the fifth respondent who is the owner of the property and obtained bogus no objection certificate from the Block Development Officer and obtained the LPG Distributorship. In this regard the petitioner made complaint to the second respondent, however, there is no response. Hence, this writ petition.

3.The learned Senior Counsel appearing for the petitioner submitted that the petitioner is a physically challenged person, however, without considering her candidature for LPG Distributorship, the official respondents considered the candidature of the fourth respondent who is not a physically challenged person. Further, the



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fourth respondent does not own any property in the vicinity and the fifth respondent alone own property, however, the fourth respondent entered into lease agreement with the fifth respondent and obtained LPG Distributorship, which is not sustainable.

4.The learned Senior Counsel appearing for the petitioner further submitted that the petitioner made complaint as against the fourth respondent, before the second respondent, however, no enquiry was conducted. Hence, this Court may issue direction to the official respondents to conduct enquiry on the allegations made against the fourth respondent and to pass appropriate orders.

5.The learned Standing Counsel appearing for the respondents 2 and 3 submitted that enquiry will be conducted and after providing opportunity to the petitioner as well as the private respondents, appropriate orders will be passed.

6.The learned counsel appearing for the respondents 4 and 5 raise no serious objection.



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7. In view of the fair submission made on either side, this Court directs the respondents 2 and 3 to conduct enquiry into the matter in the manner known to law and after providing opportunity to the petitioner as well as the private respondents, conclude the enquiry and pass appropriate orders, within a period of six weeks from the date of receipt of a copy of this order. The LPG Distributorship granted in favour of the private respondent is subject to the result of the enquiry conducted by the respondents 2 and 3.

8. The writ petition is disposed of with the above directions. No costs. Consequently, the connected miscellaneous petition is closed.

17.04.2023

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Speaking Order/ Non Speaking Order

Index: Yes/ No

Internet: Yes/ No



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M.DHANDAPANI,J.
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To

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