



WA No.916 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.08.2023

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA , CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

WA No.916 of 2023

P.Gnanavel

: Appellant

versus

1.The Senior Area Manager,
Indian Oil Corporation Ltd.,
Indane Area Office,
No.8/1079, Avinashi Road,
Coimbatore 641 108

2.Union of India,
rep. By its Secretary,
Ministry of Petroleum and natural gas,
Shastri Bhavan, New Delhi

: Respondents

Prayer: Writ appeal filed under Clause 15 of the Letters Patent against the order dated 13.02.2023 in WP No.24497 of 2021.

For the Appellant : Mr.V.Manohar

For the Respondents : Mr.Mohammed Fayaz Ali
for the first respondent

JUDGMENT

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(Made by the Hon'ble Chief Justice)

We have heard Mr.V.Manohar, learned counsel for the appellant and Mr.Mohammed Fayaz Ali, for the first respondent.

2. The appellant had filed a writ petition bearing WP No.24497 of 2021 before the learned Single Judge thereby, challenging the communication/order issued by the first respondent, thereby, denying to award LPG distributorship to the appellant.

3. The learned counsel for the appellant submits that this is the fourth writ petition filed by the appellant. Every time, a different reason was given for negating the claim of the appellant. The respondents cannot rely upon 2014 corrigendum. The application of the appellant was under 2013 advertisement. The land offered by the appellant was within the locality as contemplated under the guidelines. The guidelines clearly provide that the land offered should be at the advertised location or in the locality. The land offered by the appellant is in the same locality. The respondents are now trying to rely upon a different concept that was not recognised under 2013 advertisement.



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4. According to the learned counsel for the first respondent, at the time of field verification, it was noticed that the land was not situated on the location that was sought under the advertisement. Under the advertisement, the location of the site for the dealership was Kaveripattinam. The land offered by the appellant is situated at Mittahalli Village and not within the Kaveripattinam.

5. The learned Single Judge has observed that this is the fourth Writ Petition filed by the appellant. The area/location as per the advertisement was for 'Kaveripattinam'. The Village Administrative Officer of Mittahalli Village has issued a certificate showing that the land offered does not come within Kaveripattinam and is situated in Mittahalli village.

6. The revenue officer concerned has issued the said certificate. The field verification is done by the respondents. Learned Judge has relied upon the order of the Division Bench in an earlier Writ Petition filed by the appellant wherein the Division Bench observed that the location offered by the appellant may be identified. The Village Administrative Officer has submitted a certificate that the land



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offered is in Mittahalli Village, and it is outside the territorial limits of Kaveripattinam.

7. The respondents are the best judge of the location that they have advertised for, and the land offered. The field verification is conducted by the respondents. The certificate of the Village Administrative Officer is also on record. There is no reason to doubt the certificate issued by the Village Administrative Officer; nor the appellant has alleged any *mala fides* against the Village Administrative Officer.

8. In light of that, it does not appear that the learned Single Judge has committed an error while passing the impugned order. The Writ appeal as such is disposed of. There will be no order as to costs.

(S.V.G., CJ.)

(P.D.A., J.)

04.08.2023

Index : Yes/No
Neutral Citation : Yes/No
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