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W.P.No.43835 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.43835 of 2016
and
W.M.P.Nos.37660 & 37661 of 2016

Mr.B.Karthik

...Petitioner

Vs.

1.The Deputy General Manager,
LPG, Marketing Division,
Indian Oil Corporation Ltd.,
Indian Oil Bhavan,
Chennai – 600 034.

2.The Senior Area Manager,
Trichy Area
Indian Oil Corporation Ltd.,
Indane Area Office, 'Triveni' IInd Floor,
B-35, Shastri Road, Thillai Nagar,
Trichy - 620 018.

3.Smt.M.Malathi

(R3 – impleaded vide order dated 17.03.2023
made in W.M.P.No.9475/2022 in W.P.No.43835/2016)

..Respondents

Prayer : Writ Petition filed Under Article 226 of the Constitution of India,
to issue a Writ of Certiorarified Mandamus, to call for the entire records in



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connection with the impugned order of the 2nd respondent in Ref.No.TRAO/IMP/PERAM-2/05 dated 30.11.2016 and quash the same and consequently direct the respondents to issue Letter of Intent in favour of the petitioner.

For Petitioner : Mr.M.Sriram
For R1 & R2 : Mr.V.Anantha Natarajan
For R3 : Mr.R.Naresh Kumar

ORDER

The order dated 30.11.2016, cancelling the candidature of the writ petitioner for award of LPG Distributorship at Perambalur District is under challenge in the present writ petition.

2. The petitioner has completed M.Sc., Applied Geology and was pursuing Ph.D at the time of filing of the writ petition. The petitioner submitted an application for appointment of Regular LPG Distributorship in the year 2013 and the application was processed. The petitioner has applied for the location at Perambalur Town 2, Perambalur District, Tamil Nadu under the reserved category of Scheduled Caste.



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3. As per the requirement, the petitioner should possess among other things a suitable land or shop of minimum size 3m x 4.5m in dimension as on the last date of submission of the application. The term 'own' is defined in the brochure as follows:

“ 'Own' means having ownership title of the property or registered lease agreement for minimum 15 years in the name of applicant/family member (as defined in multiple distributorship norm of eligibility criteria) as on the last date for submission of application as specified in the advertisement or corrigendum (if any). In case of ownership/co-ownership by family members (s) as given above, consent in the form of a Notarised Affidavit from the family members(s) will be required.

In case the land is jointly owned by the applicant/member of 'Family unit' (as defined in multiple dealership/distributorship norm) with any other person (s) and the share of the land in the name of applicant/member of the 'Family unit' meets the requirement of land including the dimensions required, then that land for godown/showroom will also qualify for eligibility as own land subject to submission of 'No Objection Certificate' in the form of an Notarised Affidavit from other owner(s).”



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4. The learned counsel for the petitioner states that the petitioner submitted a document, showing that he was a Lessee in respect of the land and the said document was not considered by the respondents. Thereafter, the petitioner submitted a document to prove that he owned the land and in spite of the submission of the said document relating to ownership, the case of the writ petitioner was not considered and his candidature was cancelled.

5. The learned counsel for the petitioner reiterated that the document filed at the first instance would establish that the petitioner was a Lessee. Again, he has submitted a document, showing that he is the owner of the property and therefore, there is no reason to cancel the document. Though the learned counsel for the petitioner states that there was a letter of the respondent, stating that the lands owned subsequently after the submission of the application may also be considered by the respondents, the said letter can neither be considered nor the copy is made available before this Court.

6. The learned counsel for the respondents objected the said contention by stating that the petitioner was disqualified by invoking the condition stipulated in the brochure furnished along with the application to



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the writ petition. It is not in dispute that the petitioner submitted an application. But, no documents were attached at the time of submission of application. Subsequently, the petitioner submitted a document to the respondents to prove that he is the Lessee of the land, which would be insufficient to satisfy the requirements as contemplated for award of LPG Distributorship. However, the respondents have not considered the application submitted by the writ petitioner. Thus, non-compliance was reported to the petitioner and thereafter, he submitted a document to prove that he is the owner of the land. However, the condition stipulates that the applicant must be the owner of the land at the time of submission of application and any ownership acquired subsequently after filing of the application will not be considered for the purpose of award of LPG Distributorship. The condition in this regard was stipulated in the brochure, which was supplied along with the application and the petitioner is bound by the said conditions and thus, he cannot claim any further concession or otherwise for the purpose of re-considering his case.

7. The term “own” has been defined in the brochure and the relevant condition reads as follows:

“In case, if the offered land for godown/godown and



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offered land for showroom/showroom by the selected candidate which is shown in the application is found not meeting the eligibility conditions/requirements as stipulated in the advertisement/brochure/application at the time of Field Verification of Credentials (FVC), then the selected candidate can offer an alternate land which is owned by the applicant/member of the 'Family Unit' or land belonging to parents & grandparents (both maternal and paternal) of the applicant as on the last date for submission of application as specified either in the advertisement or corrigendum if any”.

8. The petitioner at the time of submitting of the application, declared that he will abide by the terms and conditions stipulated in the brochure supplied to him along with the application. While so, now he cannot turn around and claim that the subsequent document filed, establishing his ownership, should be taken into consideration for the purpose of processing his application for award of LPG Distributorship.

9. In the present case, the petitioner admittedly had not submitted any document to establish that he owned a land on the date of submission of application and therefore, the petitioner is not entitled for the relief as such sought for in the present writ petition.



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WEB COPY 10. Accordingly, the writ petition stands dismissed. No costs.

Consequently, connected miscellaneous petitions are closed.

27.03.2023

Index : Yes
Speaking order
Neutral Citation: Yes

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To

1. The Deputy General Manager,
LPG, Marketing Division,
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Chennai – 600 034.
2. The Senior Area Manager,
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S.M.SUBRAMANIAM, J.

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