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W.P.No.25071 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.03.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.25071 of 2018
and W.M.P.No.29137 of 2018

Krishna Dhayhaalan

...Petitioner

Vs

1. Bharath Petroleum,
Represented by its Territory Manager,
CH LPG J1-J6, Sipcot Industrial Estate,
New Gummdipoondi-601201.

2. The Deputy Manager,
Bharath Petroleum,
CH LPG J1-J6, Sipcot Industrial Estate,
New Gummdipoondi-601201.

3. R.Shivaraj @ Rajan

4. The District Level Vigilance Committee,
District Collector's Office,
Thiruvannamalai District.
(R4 impleaded as per order dated
24.10.2019 made in
W.M.P.No.27093 of 2019 in
W.P.No.25071 of 2018)

...Respondents

PRAYER: Petition filed Under Article 226 of the Constitution of India
praying for the issuance of Writ of Certiorarified Mandamus, to call for
the records in Proceedings No. CHN:LPG:SALES:RK BHARATGAS



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dated 04.04.2018 on the file of the 1st respondent and quash the same as illegal, incompetent, ultravires and without jurisdiction and further direct the respondents 1 and 2 to award the contract in favour of the petitioner herein.

For Petitioner : M/s.V.Srimathi

For Respondents

R1 and R2 : M/s.Bepsi Hema
for King and Patridge

R3 : Mr.S.Arivazhagan

R4 : Mr.E.Veda Bagath Singh, SGP

ORDER

This writ petition has been filed seeking for issuance of a writ of certiorarified mandamus to quash the Proceedings of the first respondent dated 04.04.2018 as illegal, incompetent, ultravires and without jurisdiction and to consequently direct the respondents 1 and 2 to award the contract in favour of the petitioner herein.

2. The case of the petitioner is that the petitioner and the private respondent has applied for appointment of agents in the first respondent Bharath Petroleum and for distribution of LPG RGGLV YOGNA SCHEME under the category Scheduled Caste. After scrutiny of applications, third respondent was given the agency. However, upon coming to know that the third respondent has given forged documents as



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if he belongs to Scheduled Caste, the petitioner preferred a complaint dated 19.12.2017, before the first respondent seeking to take necessary action, upon receipt of the said complaint, the first respondent vide proceedings dated 04.04.2018, closed the complaint given against the third respondent stating that the allegations raised by the petitioner about the community are not withstanding, as the Tahsildar, after due verifications has issued the caste certificate. Challenging the proceedings of the first respondent, the petitioner is before this Court.

3. The learned counsel for the petitioner submits that during the pendency of this writ petition, the Revenue Divisional Officer, Thiruvannamalai *vide* proceedings dated 10.09.2019 cancelled the community certificate issued by the Tahsildar in favour of the third respondent, against which the third respondent preferred an appeal before the District Level Vigilance Committee, Thiruvannamalai, which held in favour of the third respondent. Aggrieved over the same, the petitioner filed a writ petition before this Court in W.P.No.10653 of 2020 which is pending adjudication.

4. On the above contentions heard learned counsel appearing for



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the respective respondents and perused the materials placed on record.

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5. The learned counsel appearing for the petitioner has brought to the notice of this Court that the writ petition filed by the petitioner against the order passed by the District Level Vigilance Committee, Thiruvannamalai, which held in favour of the third respondent is pending before this Court. Hence, no further adjudication is necessary in this writ petition. However, the dealership issued in favour of the third respondent is subject to the result of the writ petition pending before this Court.

6. In view of the above observation and reasons, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No

Speaking/Non-speaking order : Yes / No

NCC : Yes / No

(rap)



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M.DHANDAPANI, J.

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