



W.P.No.24685 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.07.2023

CORAM : JUSTICE N.SESHASAYEE

W.P.No.24685 of 2021

T.Aarthy

... Petitioner

Vs

1.The Executive Director (TNSO)
Indian Oil Corporation Limited
'Indian Oil Bhawan'
139, Mahatma Gandhi Road
Nungambakkam High Road
Chennai – 600 034.

2.Divisional LPG Sales Head
Trichy Indane Divisional Office
Indian Oil Corporation Limited
Indane Area Office
Triveni Second Floor
B-35, II Floor, Sastry Road
Thillai Nagar, Trichy – 620 018.

3.The District Collector
Perambalur District
Perambalur.

4.The Tahsildar
Perambalur
Perambalur District.

5.J.Sathya

... Respondents



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[R5 impleaded as per order dated 24.07.2023 in
WMP.No.9338 of 2022 in WP.No.24685 of 2021]

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Prayer : Writ Petition filed under Article 226 of Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the order passed by the second respondent in his proceedings bearing Ref.No.TRAO/Veppenthattai/C.No.28931 dated 06.09.2021 and the order passed by the first respondent in his proceedings TNL/S/221/Veppanthattai dated 09.10.2012, quash the same and consequently, direct the respondents 1 and 2 to supply the LPG cylinders to the petitioner without any break.

For Petitioner : Mr.P.Ganesan

For Respondents : Mr.Vijay Mehanath for R1 & R2
Mr.M.Bindran
Additional Govt Pleader for R3 & R4
Mr.V.Srikanth for R5

ORDER

The petitioner herein challenges the proceedings of the respondents 1 and 2 whereunder these respondents have entered a finding that the petitioner herein do not reside at the address she has provided in her application for allotment of LPG distribution.



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2. Earlier in 2010, the petitioner is stated to have applied for LPG dealership and she faced competition from other similarly placed applicants. The respondents chose to select a dealer of equal eligibility based on draw of lots, whereunder she was selected. This has happened on 13.10.2010. However, before conferring the dealership licence to the petitioner, the respondents 1 and 2 received a complaint that the petitioner is not residing at the address given in the application. Therefore, the petitioner's candidature was cancelled, and this was challenged by the petitioner in W.P.No.17902 of 2011. This Court vide its order dated 01.02.2012, directed the respondents 1 and 2 to hold enquiry and decide the issue. Accordingly, on 09.10.2012, an order was passed by the first respondent confirming the earlier finding.

3. The petitioner filed yet another writ petition in W.P.No.28931 of 2021, challenging the said order dated 09.10.2012, and this Court vide its order dated 04.03.2021, directed the respondents to give a personal audience, to let in evidence in support of the claim of the residents. This resulted in the second respondent coming out with the impugned proceedings dated 06.09.2021, whereunder it yet another time confirmed its earlier findings.



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4. The learned counsel for the petitioner submitted that the respondents 1 and 2 have not considered the materials placed before them and has relied solely on the District Collector's report for deciding the issue.

5. The learned counsel for the respondents would submit the advertisement called for is necessarily for the residents of Veppanthattai Village in Perambalur, and the petitioner who had competed, is not the resident of the Veppanthattai Village. This apart, the counsel for the respondents submitted, that the affidavit is not sworn by the petitioner, but by her father. It is not explained why the petitioner, the resident of Veppanthattai could not file an affidavit by herself and that it was filed by her father. This seriously affects the very maintainability of the writ petition.

6. Heard the learned counsel for the respondents. This Court closely perused the impugned proceedings, and in particular, the tabulation provided, which details that, before the authority the petitioner has produced some 35 documents, and each one of which the respondent had rejected.



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7. The critical criterion required is whether the petitioner is physically residing in Veppanthattai Taluk in Perambalur District. To establish this, the petitioner had relied on the ration card issued by Civil Supplies Department, but the authorities have relied on the report of the Head Quarters Deputy Tahsildar dated 23.01.2012, in terms of which, the petitioner is not residing in Veppanthattai, but in Perambalur.

8. The point is whether the petitioner is actually a resident of Veppanthattai, and if not, the significance of the ration card issued to her.

9. This is now a matter which the District Collector is better required to address, since this Court is informed that in all such cases where such facts are disputed, the respondent 1 and 2 seek a report from the District Collector as it has far greater facility for field inspection.

10. This Court now requires the District Collector to give a personal audience to the petitioner and enter a finding whether she physically resides in Veppanthattai, and once the Collector finds that the earlier report of the



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Head Quarters Deputy Tahsildar dated 23.01.2012 may have to be revisited, then the report may have to be forwarded to respondents 1 and 2. And if however, the District Collector confirms the findings of the Deputy Tahsildar dated 23.01.2012, then the impugned order will stand confirmed. The said exercise shall be completed within a period of six weeks from the date of receipt of a copy of this order.

11. The writ petition is disposed of accordingly. No costs.

24.07.2023

Index : Yes / No
Speaking order / Non-speaking order
ds



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To:

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N.SESHASAYEE.J.,

ds

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