



W.P.(MD)No.3449 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 21.02.2023

Pronounced on : 03.03.2023

CORAM

THE HONOURABLE MR.JUSTICE K. KUMARESH BABU

W.P.(MD)No.3449 of 2014

and

M.P.(MD).No.1 of 2014

K.Kousaslyya

... Petitioner

Vs.

1.The Senior Area Manager,
Bharath Petroleum Corporation Ltd.,
1.Ranganathan Gardens,
Office:-
11th Main Road, Anna Nagar (W),
Post Bag No.121281213,
Chennai-600 040.

2.The Regional Manager,
Regional Office,
Bharath Petroleum Corporation Ltd.,
MGM.T.B.Santorium (Post),
Chenjipatti (Via),
Thanjavur District-613 401



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3.Member,
LPG Distributor Selection Cell (TN)
1.Ranganathan Gardens,
Office:-
11th Main Road, Anna Nagar (W),
Post Bag No.121281213,
Chennai 600 040.

4.G.Kannappan

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus calling for the records pertaining to the Impugned Order passed by the third respondent in his proceedings Ref.No.TN/TAN/KA2/007 dated 24.01.2014 and quash the same as illegal in so far and consequently direct the second respondent to include petitioner's name in Draw of Lot to L.P.G. Dealership of Karaikudi 2nd area, Sivagangai District to be held on 28.02.2014 at Thanjavur.

For Petitioner :Mr.E.Somasundaram

For Respondents :No appearance for R1 & R3

:Mr.S.Nates Raja for R2

:Mr.K.K.Senthil for R4



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ORDER

The prayer in this writ petition is seeking to quash the impugned order of the third respondent dated 24.01.2014 and consequently direct the second respondent to include the petitioner's name in the Draw of Lot to L.P.G., dealership to be held on 28.02.2014.

2. The case of the petitioner is that the petitioner is a graduate in Engineering and also belongs to a schedule caste community. She had applied for a dealership of L.P.G., distribution in Karaikudi 2nd area, which comes under Sivagangai District under the reserved category, pursuant to the advertisement dated 21.09.2013. The petitioner had made an application on 10.02.2013 adhering to the terms and conditions stipulated in the said advertisement. By impugned communication, the respondents have rejected the candidature of the petitioner as found to be not eligible for the reason that the petitioner did not have a registered lease deed for the land for show room and for the application had not shown the dimension of the lands offered for the godowns.



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3. Mr.E.Somasundaram, learned counsel for the petitioner would submit that the petitioner had given the dimensions for the show room and that the show room is on the main road of Karaikudi and that the people living in the area would have easy access to the show room of the petitioner. Further the petitioner had also shown a land to an extent of 32 cents of housing the godown. The impugned order has been passed deliberately to reject the application of the petitioner for vested reasons. He would also submit that as per the advertisement, the area required for a godown is 25 meters by 30 meters, the land that has been shown by the petitioner is measuring an extent of 32 cents, which is more than the area that is needed in the advertisement. He would further submit that he had produced necessary documents in respect of the ownership of the show room and his brother who is a lessee of the property. Therefore, he would submit that the rejection order passed on both the grounds will have to fail and the writ petition be ordered as prayed for.



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4. Countering his arguments, learned counsel appearing for the respondents 1 to 4 would submit that the petitioner is not lessee of the property for both the godown and the show room. Her father is only the lessee, he had filed an affidavit that he has 'No Objection' for his daughter to run the L.P.G., distribution ship in the land that has been leased by him. He would further submit that both the godown and the showroom, the minimum period of lease should be 15 years. As in the case of show room, the lease documents that has been produced in favour of the petitioner's father is only for a period of three years. Even though the impugned order does not spell out the same, the same has also been considered by the respondent. He would further submit that as per the land that is sought for as the godown the size of the plot should be 25 meters to 30 meters. The said dimensions has not been given by the petitioner, she had only mentioned that the extent of land of 32 cents. Dimensions are specified, taking into the safety requirements for housing a godown. The respondents had filed a incomplete application. She had only mentioned that the land is measuring 32 cents, here again, he would say that the land has been taken on lease by the petitioner's father and he had submitted a 'No Objection'. The entire



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application has been filed without proper details and on that ground alone, the claim of the petitioner is liable to be rejected. He would further submit that pursuant to the said advertisement, Draw of Lot were conducted and one P.Malavika was selected as a successful candidate and letter of intent was also given to her and she has been running the distribution ship since 2017 in the name and style of Bharati Bharat Gas Agencies. He would submit that since the petitioner had not fulfilled the requirements required to be made by an applicant, the petitioner is not eligible to consider the Draw of Lot and the order impugned is not erroneous.

5. I have considered the rival submissions made on either side.

6. The candidature of the petitioner had been rejected on two counts

(a) that the petitioner does not have a registered lease deed for land, for show room as prescribed under the advertisement/broucher

(b) the application has not shown the dimensions of land offered for the godown in the application as required in the advertisement.



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7. As per the advertisement/broucher, the petitioner should be the owner, joint owner or unit of a family, which owns/ lease the property. If it is a leased land, the lease should be for a minimum period of 15 years. If the land does not stand in the name of the petitioner then a 'No Objection Certificate' from the necessary parties should be filed along with the application.

8. A bare perusal of the petitioner's application would show that she is neither the owner of the land shown for the show room or for the godown. In respect of the show room, the petitioner had given the dimensions, which is in confirmity with the requirement. However, as regards in the requirements that the lease should be for a period of 15 years and that the lease should be a registered lease. The petitioner had failed to substantiate that (i) the lease was registered lease, (ii) that the lease was for a period of 15 years, hence, the petitioner cannot be said to have fulfilled the criteria.



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9. As regards the godown, the advertisement specifically indicates that the dimensions of the land should be 25 meters to 30 meters. Even the application forms requires the dimensions to be filled in, the petitioner had not filled the dimensions but, had given the extent. The advertisement does not require the extent of land to be mentioned in the application but the dimensions alone. Here again, the petitioner had not fulfilled the requirements as per the advertisement.

10. In view of the aforesaid findings, I do not find any infirmity in the impugned order passed by the respondents and the writ petition fails and is liable to be dismissed.

11. Accordingly, this writ petition stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

03.03.2023

NCC :Yes/No

Internet :Yes/No

Index :Yes/No

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K.KUMARESH BABU, J.

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