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W.P.(MD)NO.2543 OF 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 25.08.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.2543 of 2015 AND
M.P.(MD)No.1 of 2015

R.S.Mahendran

... Petitioner

Vs.

1. The District Collector,
Virudhunagar District,
Virudhunagar.

2. The Sub Collector,
Sivakasi,
Virudhunagar District.

3. The Tahsildar,
Sivakasi Taluk,
Sivakasi,
Virudhunagar District.

4. The Zonal Deputy Tahsildar,
Sivakasi,
Virudhunagar District.

5. The Deputy Tahsildar,
Sivakasi,
Virudhunagar District.

6. S.Rajasekar

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Prohibition, prohibiting the second respondent from proceeding further with his proceedings Na.Ka.A3/3215/2014 dated 17.02.2015.



For Petitioner : Mr.A.Sivaji
For R-1 to R-5 : Mr.N.Satheesh Kumar,
Additional Government Pleader.

For R-6 : No appearance.

* * *

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Additional Government Pleader appearing for the official respondents.

2. Even though the private respondent has been served and his name is also printed in the cause list, he has not chosen to enter appearance.

3. The writ petitioner applied for dealership under what is known as RGGLN scheme floated by IOC. The petitioner was selected and the petitioner is carrying on his business since July 2014. The sixth respondent was a rival applicant. According to him, the writ petitioner is not the resident of Thayilpatti Village for which he has been appointed



as LPG distributor. The sixth respondent challenged the selection of the petitioner by the Indian Oil Corporation Limited by filing W.P.(MD)No.888 of 2014. However, the said writ petition was dismissed as withdrawn on 18.08.2014. Thereafter, the fifth respondent had given a complaint before the Sub Collector, Sivakasi questioning the residence certificate issued in favour of the petitioner by the Zonal Deputy Tahsildar, Sivakasi on 12.06.2013. Taking cognizance of the complaint, the Sub Collector, Sivakasi issued the enquiry notice dated 17.02.2015. The petitioner appeared before the Sub Collector, Sivakasi and also gave his statement on 18.02.2015. Thereafter, the present writ petition has been filed for prohibiting the second respondent from proceeding further in the matter.

4. The learned Additional Government Pleader on instructions categorically states that they stand by the residence certificate issued in favour of the writ petitioner. It is also submitted that the Tahsildar, Sivakasi conducted field inspection and submitted report to the IOC that the petitioner is very much a resident of Thayilpatti Village. As rightly



pointed out by the learned counsel appearing for the petitioner, when the sixth respondent challenged the petitioner's appointment as LPG distributorship for Thayilpatti Village, the primary ground taken by him was that the petitioner herein was not a resident of the village in question. Having withdrawn the said writ petition, the sixth respondent did not have any right to approach the authority in the matter. The aforesaid writ petition was dismissed as withdrawn without granting any liberty. The fifth respondent cannot be permitted to agitate the matter elsewhere. The impugned order including the notice is set aside. This writ petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

25.08.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No

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To:

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Virudhunagar District,
Virudhunagar.
2. The Sub Collector,
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G.R.SWAMINATHAN,J.

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