

**101 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CWP-4092-2020
Date of decision 11.04.2023**

VINOD KUMARPetitioner
Verses

UNION OF INDIA AND OTHERS ...Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Rajesh Goel, Advocate
for the petitioner.

Mr. Karan Kumar Jund, Advocate
for respondent No.1.

Mr. Ashish Kapoor, Advocate
for respondents No.2 and 3.

JASGURPREET SINGH PURI, J (Oral):

The present petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of Certiorari for setting aside the impugned order/e.mail dated 06.01.2020 (Annexure P-4) vide which the petitioner has been found ineligible due to the reason that the land documents are not valid for considering the offered land under Group-I as offer land.

Learned counsel for the petitioner has submitted that it is a case where the respondent-Corporation had invited applications for grant of retail outlet for petrol pump and for that purpose the petitioner had applied under Group-I category. Thereafter draw of lots was held in which the petitioner was declared successful. He submitted that thereafter an e-

mail was sent to the petitioner vide Annexure P-4 wherein it was so stated that the offered land is of Village Islamgarh whereas advertisement location is for village Chuchakwas and, therefore, his candidature has been found ineligible. He further submitted that once the draw of lots was conducted in which he was declared to be successful and the land of the petitioner lies in the village which was advertised, the respondent-Corporation is required to process with the advertisement and to allot the retail outlet in accordance with law.

On the other hand, learned counsel for the respondent has submitted that it is a case of rectification of mistake. He submitted that the Corporation had advertised a location for setting up a retail outlet of petrol pump in which the name of the village was mentioned as village Chuchakwas on Talav Road, Block-Matenhail, District Jhajjar. However, after the process was started a mistake was detected and it was found that the aforesaid village Chuchakwas does not exist in the revenue record and instead the name which exists in the revenue record is village Islamgarh. He submitted that although the petitioner had applied in Group-I and the process had started but after detection of the mistake, the respondent-corporation decided to withdraw the advertisement qua the present location and decided not to proceed further with that location in view of the technical defect in the advertisement. He further submitted that in due course, in case it is so required then fresh advertisement will be made with regard to the location regarding which the name of the village is inspected in the revenue record is of Islamgarh. He submitted that even the petitioner has not disputed this fact that the actual name is Islamgarh but it

is called by name of Chuchakwas and regarding which he has also given representation vide Annexure P-6 in which also he has stated that there is no village named of Chuchakwas and as per revenue record the name of the village is Islamgarh. He submitted that the respondent-Corporation is a public sector undertaking and has to process the application with full responsibility and in accordance with law and once a mistake is detected then the same is required to be rectified.

Mr. Ashish Kapoor, Advocate for respondents No.2 and 3 further submitted that the process of documents starts with the asking for applications and after receiving the applications, further process starts and in case there are more than one candidates for Group-I, then draw of lots takes place and thereafter, the entire process of scrutiny of documents, physical verification and correction of the documents starts and after the entire procedure is followed, once everything is found to be suitable then only a Letter of Intent is issued which ultimately culminates into an agreement. He further submitted that in the present case, the process was just at the initial stages when the mistake was detected and there is no conclusion of contract between the parties and therefore, the petitioner does not have a legal right to sustain the present writ petition as no right vests in the petitioner to compel the Corporation to continue with the advertisement even if there was a mistake with regard to the name of village. He has therefore, prayed for the dismissal of the present petition.

I have heard the learned counsel for the parties.

The respondent-Corporation which is a Public Sector undertaking had initiated the process for inviting applications from different persons pertaining to different locations for setting up of retail

outlet of petrol pumps. The petitioner applied for the location of village Chuchakwas, Tehsil Matanhail, District, Jhajjar but later on it was found and detected by the Corporation that the aforesaid village does not exist in the revenue record and this factum has not been disputed by the petitioner even as per the representation given by him (Annexure P-6). Admittedly, the actual name which is mentioned in the revenue record is Islamgarh whereas in advertisement it is stated as Chuchakwas. The respondent-Corporation at the initial stages decided to withdraw the advertisement for the present location so that, as per the learned counsel for the respondent, in due course in case it is so required then fresh advertisement will be made in a proper manner. The mere fact that the petitioner was declared successful in draw of lots at initial stages would not mean that the petitioner has got any vested right to continue with the process undertaken by the Corporation. There had not been any issuance of LOI or any other contract between the parties and, therefore, in the absence of the same it cannot be said that the petitioner has any vested right to seek further processing of the procedure for allotment of petrol pump retail outlet since a mistake has been detected and the respondent-Corporation seeks to rectify the same.

In view of the aforesaid position, this Court is of the view that there is no merit in the present petition and the same is dismissed.

However, at this stage, it is clarified that the impugned letter has been communicated by the respondent-Corporation vide Annexure P-4 wherein the petitioner has been found ineligible on the ground that the offered land is of village Islamgarh whereas the advertised location is for the village Chuchakwas would not mean to be detrimental to the petitioner

in case in a subsequent advertisement, if any, by the Corporation, the petitioner applies for the same and the aforesaid letter (Annexure P-4) would not come into the way of the petitioner with regard to his eligibility for the same.

11.04.2023
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(JASGURPREET SINGH PURI)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>