

03.12.2024.
Court No. 13
Sl. No. 10
pk

F. M. A. 729 of 2015
I.A. No. CAN 1 of 2015(Old No: CAN 2384 of 2015)(Not in File)

Smt. Annapurna Mitra
Versus
Union of India and others

Mr. Pinaki Dhole,
Mr. Rabindra Kumar Pathak

...for the appellant

Mr. Puspendu Chakraborty

..for the respondent nos. 2 to 4.

1. The subject matter of challenge in the instant appeal is an order dated 27.10.2014 passed by the Single Bench of this Court rejecting the writ petition.
2. The brief facts are that the petitioner's allotment of LPG dealership was cancelled by the respondents after finding that the godown land offered by the petitioner does not meet the dimensional requirements.
3. The petitioner has placed a report of BL & LRO indicating that the petitioner's land is 20M X 24M in terms of the notification inviting applications. What, however, appears to this Court as a clear case of ineligibility of the petitioner is that the land is that of the petitioner's father-in-law. The husband of the petitioner, her brother-in-law and

sister-in-law have equal shares therein. They have issued a no objection.

4. The expression “Family Unit” in the Brochure for selection of Rajiv Gandhi Gramin LPG Vitrak Scheme is essentially that the family unit owning the land must comprise in the case of the petitioner, of her husband and two unmarried children. There are other categories of family units within which the petitioner’s case does not fall.
5. The description of Family Unit in the brochure of the Oil Company is set out herein below :

“Family Unit” in case of married person/applicant, shall consist of individual concerned, his/her Spouse and their unmarried son(s)/daughter(s). In case of unmarried person/applicant, ‘Family Unit’ shall consist of individual concerned, his/her parents and his/her unmarried brother(s) and unmarried sister(s). In case of divorcee, ‘Family Unit’ shall consist of individual concerned, unmarried son(s)/unmarried daughter(s) whose custody is given to him/her. In case of widow/widower, ‘Family Unit’ shall consist of individual concerned, unmarried son(s)/unmarried daughter(s).”

6. In the circumstances of the aforesaid, this Court finds that the land offered by her for hosting the godown is not owned by her family unit.
7. In those circumstances, the respondents were justified in cancelling dealership application of the petitioner.

8. Accordingly, the appeal fails and is hereby dismissed. Consequently, all connected pending application, if any, is also dismissed.
9. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)