



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.08.2024

CORAM

THE HONOURABLE Mr. JUSTICE M.DHANDAPANI

WP.No.10653 of 2020
and WMP.Nos.12947 and 12948 of 2020

Krishna Dhayhaalan

... Petitioner

Vs

1. The District Level Vigilance Committee,
Tiruvannamalai District.

2. Bharat Petroleum,
Rep. By its Territory Manager,
CH LPG J1-J16, Sipcot Industrial Estate,
New Gummidipoondi.

3. The Deputy Manager, Bharath Petroleum,
CH LPG J1-J16, Sipcot Industrial Estate,
New Gummidipoondi.

4. R.Shivaraj @ Rohan

....Respondents

Prayer :- Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records on the file of the first respondent in proceeidng No.R424905 dated 27.05.2020 and quash the same as illegal, incompetent and without jurisdiction and



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further direct the second respondent to award the LPG Distributorship to the petitioner for Avoor, Tiruvannamalai as a member of the scheduled caste.

For Petitioners : Mr.Ms.Abiramee for Ms.Srimathi
For Respondents : Mr.P.Anandakumar, GA R1
Mr.M.Vijayan for
M/s.King and Patridge RR2 & 3
Mr.S.Arivazhagan R4

ORDER

The writ petition has been filed challenging the order passed by the first respondent in proceeding No.R424905 dated 27.05.2020 and further direct the second respondent to award the LPG Distributorship to the petitioner for Avoor, Tiruvannamalai as a member of the scheduled caste.

2. The petitioner belongs to a scheduled caste and he applied for grant of retain outlet and the respondents 2 & 3 have granted distributorship to the 4th respondent. Aggrieved over the same, the petitioner has filed a writ petition before this Court. Pending writ petition, the first respondent had also initiated proceeding to verify the authentication of the claim of the 4th respondent. After enquiry, the first respondent has passed the present impugned order holding the 4th respondent was member of the SC



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community. Challenging the same, the present writ petition has been filed.

3. The learned counsel for the petitioner submitted that without conducting enquiry, the DLVC has mechanically passed an order and confirmed the community of the 4th respondent which is a clear non-speaking order and the same has to be quashed.

4. The learned counsel for the respondent submitted that the DLVC consists of Chairman, Deputy Chairman and Secretary. All the three members, upon satisfaction, confirmed the community certificate issued by the 4th respondent, in which, the petitioner has no role to interfere with the impugned order and therefore, prayer sought for by the petitioner is misconceived.

5. Heard the learned counsel for the petitioner and the learned counsel appearing for the respondents and perused the materials available on record.



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6. The facts of the case are not in dispute. Admittedly, the petitioner and the 4th respondent have applied for getting license for retail outlet from the second respondent, in which, the second respondent has granted license to the 4th respondent on the ground that the 4th respondent belongs to SC community and further the petitioner has also claimed that the petitioner also belongs to the SC community. Though the 4th respondent obtained a false certificate from the concerned authority for which enquiry is pending before the DLC. Ultimately the DLVC held in favour of the 4th respondent. Suspecting the order passed by the DLVC, the present writ petition has been filed.

7. This Court perused the DLVC committee order, which reveals that without any discussion and without giving any opportunity, the first respondent has passed only a non-speaking order in favour of the 4th respondent, which is not sustainable one. On the sole ground, the order passed by the first respondent is set aside and this Court remands the matter back to the first respondent for passing fresh speaking order as expeditiously as possible, after providing opportunity to the 4th respondent. Till such time, the 4th respondent is directed to enjoy the community status confirmed by the first



respondent.

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8. With the above observation, the writ petition is allowed. No costs.

Consequently, connected miscellaneous petitions are closed.

08.08.2024

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To

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M.DHANDAPANI, J.

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