



W.P.(MD)No.9075 of 2019

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **03.12.2024**

CORAM:

THE HONOURABLE **MR.JUSTICE G.K.ILANTHIRAIYAN**

W.P.(MD)No.9075 of 2019
and
W.M.P.(MD)No.7066 of 2019

A.Sujitha

... Petitioner

/Vs./

1. Indian Oil Corporation Ltd.,
G-9, All Yavar Jung Marg, Bandra(East),
Mumbai-51

2. The Senior Area Manager
Indian Oil Corp.Ltd., Marketing Division,
Indane Area Office,
Triveni 2nd Floor,
B-35, Shastri Road, Thillai Nagar,
Trichy-18.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, To issue a Writ of Certiorarified Mandamus, calling for the records relating to the order passed in No.TRAO/IMP/ Kulaimalai/02 dated 16.02.2018 by the 2nd respondent and quash the same and direct the respondents to grant the LPG Distributorship License in favour of the petitioner as per the letter of the 2nd respondent in Reference No.TRAO/ IMP/ KULAIMALAI/02 dated 01.08.2016 and in terms of the order passed in WP(MD) No. 23725 of 2016 dated 12.04.2017.



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For Petitioner : Mr.S.Kadarkarai

For Respondents : Mr.K.Muraleedharan for R2

: No appearance for R1

ORDER

This Writ Petition has been filed challenging the order passed by the second respondent dated 16.02.2018, thereby rejected the petitioner's candidature on the ground that the showroom land lease document has not been registered in her favour.

2. Heard the learned counsel on either side and perused the materials available on record.

3. On the notification issued by the second respondent, the petitioner applied for Distributorship for PLG project under the Arunthathiyar candidates. The petitioner was invited to participate in the LOT selection and the petitioner was successfully selected. The petitioner also made deposit to the tune of Rs.25,000/- in order to complete the pre-condition stipulated in the notification. In order to establish her capacity to set up the required infrastructure facility, the



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petitioner had enclosed copies of the registered sale deed dated 16.09.2004 and 08.08.2008 to the extent of 1.03 ½ cents for setting up the godown and lease agreement dated 19.11.2013 executed between the petitioner and her lessor. In respect of the land and building to an extent of 4.50 cents located at Door No.48/2b, Sathyamangalam village, Iyermalai, Karur District, for setting up a show room and LPG outlet.

4. However, the second respondent vide its communication dated 19.10.2016, the candidature of the petitioner was rejected on the ground that the show room land leased document has not been registered. As per the Brochure on guidelines for selection of Regular LPG Distributors – August 2013, it is mentioned in point No.6.1, stated that “Own” means having ownership title of the property or registered lease agreement for minimum 15 years in the name of applicant / family member as defined in multiple distributorship norm of eligibility criteria.

5. In the case on hand, there was a mutual understanding between the petitioner and her lessor for registering the lease, as per the order of distributorship. Therefore, the lease deed was not registered as on the



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date of submission of her application. Therefore, attributing mutual understanding between the petitioner and her lessor for not registering the lease deed as on the date of submission of her application cannot be accepted. As per point No.9 of Brochure, the lease deed for showroom should be registered in her favour. But, no lease deed was executed in favour of the petitioner for showroom and therefore, the petitioner's candidature was rejected by the second respondent.

6. On perusal of the rental lease agreement produced by the petitioner, it revealed that it is an unregistered one for the period of 15 years dated 19.11.2013 for show room Door No.48/2b, Sathyamangalam village, Iyermalai, Karur District, whereas, in the application submitted by the petitioner, she stated that it is a registered lease deed dated 20.11.2013. Therefore, as on date of the application, i.e., 22.11.2013, no land was owned by the petitioner for the showroom. Therefore, the petitioner failed to establish her capacity to take up LPG distributorship and run successfully and also did not meet the requirement of selection for regular LPG distributorship, as per the selection Brochure of the year 2013.



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7. Therefore, the candidature of the petitioner was rightly rejected by the second respondent. This Court finds no infirmity or illegality in the order passed by the second respondent and the writ petition is liable to be dismissed. Accordingly, the Writ Petition is dismissed. If the second respondent floated fresh tender, the petitioner is at liberty to participate in the same. No costs. Consequently, connected Miscellaneous Petition is closed.

03.12.2024

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

TO:-

- 1 Indian Oil Corporation Ltd.,
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Mumbai-51.
- 2 The Senior Area Manager
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G.K.ILANTHIRAIYAN, J.

LS

Order made in
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