



WEB COPY **BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 10.09.2024

CORAM:

**THE HONOURABLE MR.JUSTICE P.VELMURUGAN
AND
THE HON'BLE MR JUSTICE K.K.RAMAKRISHNAN**

W.A(MD)No.842 of 2019
and
C.M.P(MD)No.7150 of 2019

Hindustan Petroleum Corporation Ltd.,
By its Senior Regional Manager,
No.82, TTK Road, 3rd Floor, Alwarpet,
Chennai 600 018.
(now having office at)
Plot No.167-172, SIDCO,
Industrial Estate,
Kappalur, Madurai-625 008.

... Appellant

.Vs.

1.A.Manimaran

2.The Tahsildar,
Madurai East Taluk,
Madurai District.

... Respondents



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PRAYER: Writ Appeal filed under Clause 15 of Letters Patent Act praying this Court to set aside the order passed by this Court in W.P(MD)No.702 of 2015, dated 02.04.2019.

For Appellant	: Mr.M.Sridher
For Respondents	:Mr.T.Lajapathi Roy Senior Counsel for Mr.S.Rajasekar for R1
	:Mr.D.Sachi Kumar Additional Government Pleader for R2

JUDGMENT

(Order of the Court was made by **K.K.RAMAKRISHNAN,J**)

The appellant has filed this Writ Appeal, challenging the impugned order made in W.P(MD)No.702 of 2015, dated 02.04.2019.

2. The appellant corporation had invited applications for LPG Dealership under the Rajiv Gandhi Gramin LPG Vitruk (RGGLV Scheme) for many places, including the village called Kathakinaru. The first respondent herein has



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submitted his application seeking dealership for the supply of LPG Gas and along with the application, he submitted the documents for the land measuring dimensions of 26m X 42m and 29m X 23m, situated at village called K.Pappankulam, Kathakinaru. The appellant corporation after perusal of the application and completed all formalities and accepted the application and allowed him to participate in the further process. In the said process, he was selected in the lot. Thereafter, the appellant corporation verified the places of the land submitted by the first respondent. The first respondent's land was situated in K.Pappankulam. Therefore, they rejected the application on the ground that the land was not situated in Kathakinaru by passing the impugned order dated 17.12.2014. Thereafter, the first respondent filed the writ petition before this Court in W.P.(MD).No,702 of 2015 by challenging the impugned order. The said writ petition was allowed by the writ Court on the ground that K.Pappankulam formed part of the Kathakinaru cluster of villages and hence, the same is not a ground to reject the claim of the first respondent by passing the impugned order. Challenging the same, the appellant corporation filed this Writ Appeal.



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3. The learned counsel for the appellant corporation submitted that there is a difference between Kathakinaru and K.Pappankulam. In the brochure, it was called for only for Kathakinaru not for K.Pappankulam. The learned Judge of this Court has relied the judgment of the Division Bench of this Court, which is not applicable to the present case and he submitted that as per the law laid down by the Hon'ble Supreme Court the writ Court allowing the writ petition by treating Kathakinaru Pappankulam as part of the K.Pappankulam is not in consonance with the scheme and hence, he seeks to set aside the same. The first respondent has not strictly complied the condition stated in the brochure. Therefore, the writ appeal is liable to be allowed.

4. The learned counsel for the first respondent submitted that the first respondent submitted the application with clear mention of K.Pappankulam, Kathakinaru. K.Pappankulam, which forms part of the Kathakinaru Panchayat. In the brochure, it is stated that the intended purpose of the appellant corporation is to provide supply to the village Kathakinaru. Kathakinaru covers entire K.Pappankulam sub hamlet also. Hence, the writ Court correctly appreciated the same and allowed the writ petition. Even in the counter filed by the corporation,



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there is no dispute that the K.Pappankulam is a hamlet of the Kathakinaru Panchayat. In the said circumstances, there is no reason to interfere with the same. He would submit that there was no other disqualification on the part of the first respondent to get gas connection. He also stated that even as on date no dealership was allotted to the village and in view of the subsequent position also, this writ appeal is liable to be dismissed and his request to give LPG dealership is to be considered.

5.The learned Additional Government Pleader appearing for the second respondent submitted that Kathakinaru Grama Panchayat comprised K.Pappankulam also. Kathakinaru Pappankulam is the name, hence, K.Pappankulam forms part of Kathakinaru.

6. This Court considered the rival submissions made by the learned counsel appearing on either side and perused the materials available on record.



WEB COPY 7. 9.2 of the Brochure is as follows:

9.2.Selection will be done by draw of lot first out of all eligible applicants who are residents of the Gram Panchayat (or corresponding administrative/revenue structure as applicable in the respective State/UT) of the advertised RGGLV location. In case if no eligible candidate from the Gram Panchayat is found or the list of eligible candidates from the Gram Panchayat is exhausted, then only the draw would be conducted from the list of eligible candidates residing in the Taluka/Tehsil (Or the corresponding administrative/revenue structure as applicable in the respective State/UT) of the advertised location.

8. Every applicant were the residents of Gram Pahchayat. Here, the Gram Panchayat is Kathakinaru. The applicants lands also situated in the Kathakinaru Gram Panchayat. The learned counsel for the appellant corporation admitted the fact that the jurisdictional Tahsildar gave the certificate that the village Pappankulam is the Gram Panchayat of the Kathakinaru. Further, as per the notification, Pappankulam also belongs to Madurai East Taluk. In the application also, the first respondent noted both K.Pappankulam and Kathakinaru. In view of the above factual circumstances, K.Pappankulam also forms part of Kathakinaru.



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The writ Court rightly set aside the rejection order passed against the first respondent, which had been impugned before the writ Court. Even as on date, no dealership was allotted. Therefore, considering the said circumstances also, there is no merit in this writ appeal and the same is liable to be dismissed. Therefore, this Court is inclined to dismiss this writ appeal.

9. Accordingly this writ appeal stands dismissed with a direction to the appellant to process further in accordance with law within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected civil miscellaneous petition is also closed.

[P.V.,J.] [K.K.R.K.,J.]
10.09.2024

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

To

The Presiding Officer,
Labour Court,
Tirunelveli

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P.VELMURUGAN, J.
and
K.K.RAMAKRISHNAN, J.

sbm

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