

2024.PHHC.134818-DB



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

(106)

LPA-1352-2023(O&M)

Decided on: 15.10.2024

Jagram Chauhan

.....Appellant(s)

Versus

Union of India& others

....Respondent(s)

**CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA
HON'BLE MRS.JUSTICE MEENAKSHI I. MEHTA**

Present: Mr.Satyendra Kumar, Advocate, for
Mr.GauravMohunta, Advocate, for the appellant.

None for respondents No.1, 5 & 6.

Mr.Raman Sharma &Mr.Amarsh Dudeja, Advocates,
for respondents No.2& 3-HPCL.

Mr.Jaivir Yadav, Sr.Advocate with
Ms.SunitaSekhawat, Advocate, for respondent No.4.

G.S. Sandhawal, J. (Oral) :

1. Consideration in the present appeal is to the judgment dated 27.07.2023, passed by the Learned Single Judge in CWP-13992-2018 whereby the petitioner's application dated 11.09.2017 pursuant to the advertisement dated 13.08.2017 (Annexure P-26) was rejected by noting that the lease deed was registered after two months from the last date of filing the application.

2. Learned Single Judge noticed that as per the brochure, the lease deed had to be registered before application and accepted the argument of the respondent-Corporation that terms and conditions are

the judgment of the Apex Court in **Bharat Petroleum Corporation Ltd. & others Vs. Swapnil Singh, 2015 SCC OnLine SC 1922**. Regarding the alternate land which was owned by Yogesh Kumar, it was noticed that he was neither real nor step brother and there was a dispute regarding the certificate issued by the concerned officers, whether he was the adopted son of father of the appellant.

3. A perusal of the order would go on to show that inspite of a chance given, the appellant has expressed his inability to provide the supporting documents and requested to consider the land offered in the application. The Corporation had also made an enquiry of the relationship certificate and the confirmed it from the concerned Tehsildar and rather it has come on record that relationship certificate was not issued by the concerned officer. It was in such circumstances, a finding was recorded that fake certificate had been produced to prove the relationship on the basis of false document furnished and therefore, the candidature was liable to be cancelled and Rs.20,000/- deposited with the Corporation stood forfeited in view of Clause 26(b) of the Unified Guidelines for selection of LPG distributors.

4. The law is crystal clear regarding the sacrosanctity of the cut-off date. Reliance can be placed upon the Full Bench judgments of this Court in *Amardeep Singh Sahota vs. State of Punjab 1993(4) S.C.T. 328*, *Raj Singh vs. Maharishi Dayanand University 1994(2) S.C.T. 766*, *Sachin Gaur vs. Punjabi University 1996(1) S.C.T. 837*, *Rahul Prabhakar vs. Punjab Technical University, Jalandhar 1997(3) S.C.T. 526*, *Indu Gupta Vs. Director of Sports, Punjab 1999(4) S.C.T. 113* and *Rupinder Singh and others vs. The Punjab State Board of Technical Education & Industrial*

Training, Chandigarh and others 2001(2) S.C.T. 726 which though pertain to the admission process but the principle remains the same.

5. In such circumstances, in the absence of a registered sale deed prior to the cut-off date, the concession which had been given by the Corporation to offer any alternative land would not require serious consideration at all. Eligibility is to be seen from the cut-off date and otherwise, it is a never ending process and would deviate from the purpose of finalizing the allotment of LPG dealership retail outlet if the applicants are to be given chances time and again to rectify the error. It is also to be noticed that respondent No.4 has succeeded in an independent writ petition whereby her case was also rejected on account of correcting landowner share and rectification of the lease deed which has been set-aside by the Learned Single Judge on the ground of a pedantic approach followed by the Corporation. Apparently, an appeal has been filed against the said judgment, which is now stated to be subject matter of separate appeal. Thus, we do not find any infirmity in the judgment passed by the Learned Single Judge, which in our considered opinion, warrants no interference.

6. We are also of the considered opinion that under Section 11 of the Hindu Adoption and Maintenance Act, 1956, there is a bar for the adoptive father or mother by whom adoption is made and he must not have a Hindu son living at the time of adoption. Therefore, prima-facie, even the claim on this account by furnishing the alternative land and projecting it to be of the step-brother, would be an issue which could not be entertained in a writ petition as disputed questions would arise regarding the property and effect of adoption. Therefore, we are of the considered opinion that the matter could not have been dilated upon on the principle

7. Resultantly, in view of the above discussion, the present appeal stands dismissed. All pending application(s) also stand disposed of.

(G.S. SANDHAWALIA)
JUDGE

15.10.2024
Sailesh

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned :	Yes	
Whether Reportable :	Yes	