



W.P.(MD) No.24307 of 2016

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD) No.24307 of 2016

and

W.M.P.(MD) No.17557 of 2016

G.Kannappan

.. Petitioner

Vs.

1.The Senior Area Manager,
Bharath Petroleum Corporation,
1, Renganathan Gardens,
11th Main Road, Anna Nagar West,
Chennai-600 040.

2.The Territory Manager,
Bharat Petroleum Corporation,
MGM TB Sanatorium Post,
Sengipatti, Thanjavur District-613 401.

3.P.Malvika

.. Respondents

*[R3-impleaded vide Court order dated 26.11.2024 in
WMP(MD) No.24077 of 2024 in WP(MD) No.24307 of 2016]*

Prayer: Petition filed under Article 226 of the Constitution of India,
praying for issuance of Writ of Certiorarified Mandamus, to call for



W.P.(MD) No.24307 of 2016

records in pursuant to the impugned order passed by the 2nd respondent in TNJ:LPG:REGULAR(KARAIKUDI-2) dated 16.09.2016 quash the same and to consider the petitioner's representation dated 07.11.2016 and grant final award of LPG - Distributorship of Karaikudi-2 Area, Sivagangai District to the Petitioner.

For Petitioner : Mr.S.Thirupathi
For R1 & R2 : Mr.S.Natesh Raja
For R3 : Mr.B.Prahalad Ravi

ORDER

The writ petitioner challenges the order of rejection of his candidature for the grant of LPG distributorship.

2. It is the case of the petitioner that the petitioner had applied for the dealership of LPG distribution under the SC Category pursuant to the advertisement issued by the respondents on 21.09.2013. He was selected by draw of lots and when the petitioner was making necessary arrangements to comply with various conditions, he was served with the



W.P.(MD) No.24307 of 2016

impugned order indicating that his candidature had been rejected. He would submit that the said order of rejection had indicated that the lands that were identified by the petitioner were not congruous, as the lands were disjunct by land belonging to a third party. Immediately, the petitioner had met the officials and found that there has been some error, which had occurred inadvertently while the schedule of property in the lease deed was made. Therefore, he had taken out steps to rectify the registered lease deed and had submitted the same to the respondents.

3. He would further submit that during the pendency of this writ petition, LPG distribution had been granted to third person. Hence, he had also taken steps to implead the third person as a party respondent. Hence, he would seek indulgence of this Court to direct the second respondent to accept the representation of the petitioner and grant the dealership in favour of the petitioner.

4. The learned counsel appearing on behalf of respondents 1 and 2 would submit that the petitioner ought to have given the correct property



W.P.(MD) No.24307 of 2016

even at the time of the application. After the application is made, there is no question of rectifying the schedule of property. He would further contend that the petitioner had also indicated in his written submissions on 18.07.2016 that he is not in possession of any other alternate land for even considering his request. But, however it is an afterthought that the petitioner has sought to make a claim based upon the rectified deed. He would therefore submit that the petitioner's claim cannot be entertained.

5. The learned counsel appearing for the third respondent would submit that even though the petitioner has impleaded the third respondent, who has been granted with the dealership, the petitioner had not amended his prayer challenging the grant of distribution in favour of the third respondent. Therefore, the claim of the petitioner for granting of the dealership cannot be considered.

6. I have considered the rival submissions made by the learned counsel on either side.



W.P.(MD) No.24307 of 2016

WEB COPY

7. Admittedly, the petitioner had given a property, which was found not fit for grant of LPG dealership for the reasons indicated in the impugned order. However, it is the case of the petitioner that subsequent to the order, the petitioner had rectified the lease deed and made the property a contiguous property, which would meet the requirements. It is to be noted that the brochure based upon which the petitioner has made his application do not permit any such rectification. The petitioner had also not disputed that he had given a letter that he does not have any alternate land. Further, as rightly pointed out by the learned counsel appearing for the third respondent that the petitioner even though impleaded the third respondent, had not taken steps to challenge the LPG dealership granted in favour of the third respondent. Therefore, the claim of the petitioner to consider his case for grant of dealership cannot be countenanced.

8. For the aforesaid reasons, I do not find any merits in the writ petition and accordingly, this Writ Petition stands dismissed. However,



W.P.(MD) No.24307 of 2016

there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

03.01.2025

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

abr



WEB COPY



W.P.(MD) No.24307 of 2016

K.KUMARESH BABU, J.

abr

W.P.(MD) No.24307 of 2016

Dated: 03.01.2025