

**(2012) 06 AP CK 0012**  
**In the Andhra Pradesh High Court**  
**Case No : Writ Petition No. 16404 of 2012**

Regoti Mallikarjun

APPELLANT

Vs

Indian Oil Corporation and Others

RESPONDENT

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**Date of Decision :** 11-06-2012

**Acts Referred:**

**Citation :** (2013) 4 ALD 452 : (2013) 4 ALT 76

**Hon'ble Judges :** L. Narasimha Reddy, J

**Bench :** Single Bench

**Advocate :** K. Govind, for the Appellant; Deepak Bhattacharjee for IOL for Respondent Nos. 1 and 2, G.P. for Respondent No. 3 and Mr. P. Nagendra Reddy, Counsel, for the Respondent

**Final Decision :** Allowed

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## Judgement

L. Narasimha Reddy, J.—Respondent No. 1 issued notification, dated 30.03.2010, inviting applications for selection of a candidate to run a Rural L.P.G. Distribution Point. The petitioner, respondent No. 4 and certain others submitted applications. The procedure for selection is that a panel of candidates who are found to be eligible is prepared and lots are drawn to select one of them. The petitioner and respondent No. 4 were found eligible. In the lots that were drawn for selection of candidates, respondent No. 4 emerged as the successful candidate. The petitioner challenged the selection of respondent No. 4 by pleading that according to the notification, a candidate must be a resident of the place where the unit is established and even according to the information furnished by respondent No. 4, she is a resident of Antharam Village of Munipally Mandal and not a resident of Munipally Village. This Court directed that the matter be examined by the respondents. It appears that respondent No. 4 submitted a certificate of residence issued by the Mandal Revenue Officer and that in turn was cancelled by him without issuing notice to her. That necessitated respondent No. 4 to file a writ petition, which also was allowed on the ground that cancellation was done in contravention of the principles of natural justice. The

matter was remanded for fresh consideration. Stating to be in compliance with the directions issued by this Court, the Tahsildar, respondent No. 3 herein, passed orders, dated 29.11.2011, holding that respondent No. 4 is a resident of Munipally Village. The petitioner challenges the same. Though certain other facts are also mentioned, it is not necessary to refer them in detail.

2. The learned counsel for the petitioner submits that respondent No. 4 has not only stated in her application that she is a resident of Antharam Village, but also has filed a comprehensive certificate of caste, nativity and date of birth issued by respondent No. 3, which is to the effect that she is a resident of Antharam Village and that there is no basis for him to issue the impugned order.

3. The learned Standing Counsel for respondent Nos. 1 to 3 submits that the matter was examined with reference to the relevant rules and no interference is warranted.

4. The learned counsel for respondent No. 4 submits that the nativity is one thing and the residence is another and though respondent No. 4 was issued a certificate to the effect that she is a native of Antharam Village, she is a resident of Munipally Village. He submits that the impugned order was preceded by a detailed enquiry.

5. The controversy as to whether respondent No. 4 is a resident of Munipally Village or not has become the subject matter of several proceedings. It is a matter of record that respondent No. 4 stated in her application that she is a native of Antharam Village and filed a certificate to that effect. The Corporation itself addressed a letter to respondent No. 4 stating that the information furnished by her is not adequate. It is in that context that she filed a residence certificate said to have been issued by respondent No. 3. That, however, was cancelled without notice.

6. It is no doubt true that respondent No. 3 has furnished detailed reasons in support of his conclusions that respondent No. 4 is a resident of Munipally Village. However, the petitioner was not put on notice in the enquiry. Though the decision as to the residence of an individual is purely personal to him, when the issue has arisen on account of the complaint submitted by another, the complainant is entitled to be put on notice.

7. Therefore, the writ petition is allowed and the impugned proceedings are set aside.

8. Since respondent No. 3 went on changing his stand and has passed contradictory orders, it is felt that the matter be decided by the Revenue Divisional Officer, Sanga Reddy.

9. The Revenue Divisional Officer, Sanga Reddy to whom a copy of this order shall be marked, shall pass appropriate orders as to whether respondent No. 4 is a resident of Munipally Village, duly verifying the record and after giving notice of hearing to the petitioner. This exercise shall be completed within a period of two

months from the date of receipt of a copy of this order.

10. There shall be no order as to costs. The miscellaneous petition filed in this writ petition also stands disposed of.