

(2014) 01 AHC CK 0049

In the Allahabad High Court

Case No : Civil Misc. Writ Petition No. 71103 of 2013

Subhash Kumar Saroj

APPELLANT

Vs

Indian Oil Corporation and Others

RESPONDENT

Date of Decision : 03-01-2014

Acts Referred:

Citation : (2014) 1 ADJ 285 : (2014) 103 ALR 510 : (2014) 3 AWC 3208

Hon'ble Judges : Anil Kumar Agarwal, J; Amreshwar Pratap Sahi, J

Bench : Division Bench

Advocate : Anand Prakash Paul, B.B. Paul and Rekha Singh, for the Appellant;
Archana Singh, for the Respondent

Judgement

1. Heard Sri B.B. Paul, learned counsel for the petitioner at length and have also perused the supplementary-affidavit filed today which is taken on record and Smt. Archana Singh for the Indian Oil Corporation. The petitioner has come up before the Court questioning the correctness of the order passed by the respondent-Corporation on 6.12.2013 rejecting the application of the petitioner on the ground of non-availability of the requisite area of land for installation of L.P.G. distributorship under a particular scheme.

2. Sri Paul submits that the petitioner had offered additional land standing in the name of his mother for the purpose of rectifying the said area in order to obtain the said dealership as the same has been cancelled incorrectly. An application has also been filed before the respondent for reconsideration and review of the decision dated 6.12.2013.

3. Having considered the submissions raised and having perused the order, it is clear from the communication given to the petitioner that the additional land offered by the petitioner, which was recorded in the name of his mother, cannot be taken into account as the mother of the petitioner would not fall within the "Family Unit" of the petitioner as defined under the guidelines promulgated and contained in the brochure of the respondent-Corporation which has been

produced before the Court by Smt. Archana Singh.

"Family Unit" in case of married person/applicant, shall consist of individual concerned, his/her Spouse and their unmarried son(s)/daughter(s). In case of unmarried person/applicant, "Family Unit" shall consist of individual concerned, his/her parents and his/her unmarried brother(s) and unmarried sister(s). In case of divorcee, "Family Unit" shall consist of individual concerned, unmarried son(s)/unmarried daughter(s) whose custody is given to him/her. In case of widow/widower, "Family Unit" shall consist of individual concerned, unmarried son(s)/unmarried daughter(s).

4. In view of the said definition the petitioner, who is of the married status, will not be able to take advantage of his mother's land as she does not come with the definition of "Family Unit" of the petitioner as aforesaid.

5. Consequently, the additional land offered by the petitioner has been rightly not considered by the respondent-Corporation. There is no error in the impugned order dated 6.12.2013. There is no merit in this writ petition. Rejected.