
(2015) 04 JH CK 0139
In the Jharkhand High Court
Case No : WP(C) No. 6085 of 2013

Vinay Kumar and Others

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 17-04-2015

Acts Referred:

Citation : (2015) 2 JLJR 607

Hon'ble Judges : S. Chandrashekhar, J

Bench : Single Bench

Advocate : Shashank Shekhar Prasad, for the Appellant; Pran Pranay, Advocates for the Respondent

Final Decision : Dismissed

Judgement

S. Chandrashekhar, J—Seeking a direction upon the respondent-H.P.C.L. to cancel the L.P.G. distributorship awarded to respondent No. 6 under Rajiv Gandhi L.P.G. Vitrak Scheme, the present writ petition has been filed. Pursuant to advertisement dated 25.2.2012 published in the daily newspaper namely, Prabhat Khabar, for distributorship of L.P.G. in different locations at Satbarwa, District-Palamau, the petitioners and others alongwith respondent No. 6 participated. The petitioners were declared qualified and accordingly, letters dated 28.8.2012 were issued to them. On 22.9.2012, it is stated that the respondent No. 4 fully knowing that the respondent No. 6 has furnished forged residential certificate, included the name of respondent No. 6 in the draw of lottery. The petitioners sent objections on 3.10.2012 and they sought information from the Circle Officer regarding issuance of residential certificate to respondent No. 6. The Circle Officer vide letter dated 29.12.2012 informed that letter No. 119 dated 16.3.2012 has not been issued from the office of the Circle Officer nonetheless, the respondent-H.P.C.L. proceeded to award L.P.G. distributorship to the respondent No. 6. Constraint, the petitioners have approached this Court.

2. The learned counsel for the petitioners refers to letter dated 29.12.2012 of the Circle Officer and statement made by the respondent-H.P.C.L. in paragraph No. 9

of the counter-affidavit and submits that, apparently a false statement has been made by the respondent-H.P.C.L. in the present proceeding. The alleged residential certificate issued to the respondent No. 6 from the office of the Circle Officer was though not issued, the respondents have made a false statement in paragraph No. 9 of the counter-affidavit and stated that certificate No. 119 dated 16.3.2012 was issued from the office of the Circle Officer. The learned counsel for the petitioner has further submitted that, in view of the letter of the Circle Officer, the respondent No. 6 was not eligible for award of L.P.G. distributorship nonetheless, the respondents have awarded the distributorship to the respondent No. 6.

3. As against the above, Mr. Delip Jerath, the learned counsel for the respondent-H.P.C.L. submits that, during the field verification no discrepancy was found in the information submitted by the respondent No. 6. A copy of the verification report and other documents have been produced in the present proceeding which would indicate that the respondent No. 6 fulfills the requisite criteria for award of L.P.G. distributorship. The learned counsel for the respondent-H.P.C.L. further submits that, RGGLV has already been commissioned on 23.8.2013 and it is in operation. In " Rai Shivendra Bahadur Vs. The Governing Body of the Nalanda College, AIR 1962 SC 1210 : (1962) 4 FLR 507 : (1962) 1 LLJ 247 : (1962) 2 SCR 144 Supp , the Hon'ble Supreme Court has held that a person seeking mandamus must establish a legal right in himself and a corresponding duty in the respondents which the respondents have failed to perform. In the present case on a bare reading of the representation, a copy of which is annexed as Annexure-2 to the writ petition, and the averments in the writ petition would indicate that the petitioners have not alleged any legal injury to themselves. The award of L.P.G. distributorship was through conduct of lottery and the petitioners have not alleged any malpractice or irregularity in the conduct of lottery. The respondent No. 6 was eligible except, that the residential certificate issued to the respondent No. 6 has been challenged by the petitioners. The respondents have produced on record the inspection report and other documents. The learned counsel for the petitioners has referred to letter dated 29.12.2012 which speaks of letter No. 119 whereas, in the counter-affidavit in paragraph No. 9 the respondents have stated about certificate No. 119. I find no force in the submission raised on behalf of the learned counsel for the petitioners that the respondent-H.P.C.L. has illegally awarded L.P.G. distributorship to the respondent No. 6. The writ petition lacks merit and accordingly, it is dismissed.