

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S). /2019
(Arising out Special Leave Petition (C) No.20020/2019)

GIRDHARI LAL

APPELLANT(s)

VERSUS

KANTA CHOUHAN & ORS.

RESPONDENT(s)

O R D E R

Leave granted.

The High Court has cancelled the allotment of LPG distributorship granted in favour of the appellant on the sole ground that the site shown by him in his application did not have approachable road connecting the main road, which was a condition precedent for grant of distributorship of LPG. The concerned authority as well as the learned Single Judge had held in favour of the appellant whereas the Division Bench set aside the judgment of the learned Single Judge and consequently set aside the selection of the appellant for regular LPG distributorship.

There cannot be any dispute that the Field Verification of Credentials (FVC) Committee would visit

the spot while granting the authorisation to establish the LPG distributorship. Only after confirming that all the conditions relating to the site are satisfied, the authorization will be given. The records of Indian Oil Corporation reveal that the FVC Committee secured the trace map at the time of actual inspection of the site and they found that there is a connecting road between the site and the public road. In this context it is relevant to note the statement made before the learned Single Judge by the Indian Oil Corporation which reads thus:

"That the averments contained in para 11 of the writ petition are emphatically denied. It is in this regard submitted that the trace map as secured by the FVC Committee at the time of physical inspection of the site has already been placed on record. The recording of the line connecting to Khasra of the fifth respondent was in accordance with confirmation given by the Patwari to the visiting committee at the relevant time and the existence of way was physically verified at the site, wherein it was clearly observed that mud road was present which was being utilized by the public and the same was connecting to the main asphalt road."

Mr. K.V. Vishwanathan, learned senior counsel appearing for Respondent No. 1, drawing the attention of the Court to the report of the Patwari/Village Revenue

Officer, submits that the said report goes against the case of the appellant inasmuch as the said report reveals that the trace map of the village does not show the connecting road.

It is true that the report of Patwari, to a certain extent, goes against FVC Committee report. In our considered opinion, Patwari's report is mainly based on the trace map of the village and the same is not based on the actual fact situation in the village. The FVC Committee's report clearly suggests that the Committee went to the spot to verify as to whether the site is connected to the main road or not, and on verification, the Committee found that the site is well connected to the main road by a pathway. In this context, the submission of the Mr. P.S. Patwalia, learned senior counsel for the appellant that it is common in the villages that pathways do exist since ages which would be used by villagers at large by usage and custom, cannot be ignored.

Be that as it may, the FVC Committee after physical inspection of the site has concluded that there is a connecting road between the site and the main road. Only thereafter the appellant was allotted distributor's

license. Hence, the impugned judgment of the High Court is liable to be set aside and, accordingly, stands set aside. The appeal is allowed accordingly.

.....J.
[MOHAN M. SHANTANAGOUDAR]

.....J.
[R. SUBHASH REDDY]

NEW DELHI;
DECEMBER 02, 2019.

ITEM NO.45

COURT NO.12

SECTION XV

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 20020/2019

(Arising out of impugned final judgment and order dated 06-08-2019 in DBSAW No. 49/2019 passed by the High Court Of Judicature For Rajasthan At Jodhpur)

GIRDHARI LAL

Petitioner(s)

VERSUS

KANTA CHOUHAN & ORS.

Respondent(s)

Date : 02-12-2019 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE MOHAN M. SHANTANAGOUDAR
HON'BLE MR. JUSTICE R. SUBHASH REDDY

For Petitioner(s) Mr. P.S. Patwalia, Sr. Adv.
Mr. Gaurav Agrawal, AOR
Mr. Chritarth Palli, Adv.

For Respondent(s) Mr. K.V. Vishwanathan, Sr. Adv.
Mr. Puneet Jain, Adv.
Ms. Christi Jain, AOR
Mr. Harsh Jain, Adv.
Ms. Ankita Gupta, Adv.
Mr. Pankaj Sharma, Adv.

Mr. Rahul Narayan, AOR
Ms. Mala Narayan, Adv.
Mr. Shashwat Goel, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeal is allowed in terms of the signed order.

Pending application(s), if any, stands disposed of accordingly.

(ASHWANI THAKUR)
COURT MASTER (SH)

(R.S. NARAYANAN)
COURT MASTER (NSH)

(Signed order is placed on the file)