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IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

SPECIAL LEAVE PETITION (C)No.37479/2016

DURGAWATI DEVI

Petitioner(s)

VERSUS

UNION OF INDIA THR. ITS SECRETARY, MINISTRY & ORS.Respondent(s)

O R D E R

This special leave petition is against a judgment and order dated 8th March, 2016, passed by the Lucknow Bench of Allahabad High Court dismissing Writ Petition No.4717 (M/B) of 2016 filed by the petitioner as devoid of merit.

Pursuant to an advertisement issued, *inter alia*, in the newspaper Amar Ujala, the petitioner applied for dealership of Liquified Petroleum Gas (LPG) in District Gonda under the Rajiv Gandhi Gramin Liquid Petroleum Gas Vitrak Yozana (RGGLPGVY).

The Brochure on selection of RGGLPGVY, *inter alia*, provided that the applicant should own a plot of land of adequate size at the advertised RGGLPGVY location, for construction of godown for storage of 5000 kg of LPG in cylinders, or ready LPG cylinder storage godown of 5000 kg capacity.

Clause 6H (iii) explains 'own' to mean having clear ownership title of the property in the name of the applicant, or in the name of family members of the 'Family Unit' of the applicant as defined

in multiple dealership/distributorship norms, or land belonging to parents and grandparents (both maternal and paternal) of the applicant, as on the last date for submission of applications as specified in the advertisement or corrigendum (if any) in case of ownership/co-ownership) by family members.

Admittedly, as on the last date for submission of applications in terms of the advertisement referred to above, the petitioner did not own land as required. The petitioner only had an agreement for sale in her favour. It is well-settled that execution of a sale agreement does not transfer ownership/title. Ownership can only be acquired by a registered deed of conveyance. The petitioner was not eligible as on the last date for submission of applications.

Counsel appearing on behalf of the petitioner strenuously contended that a deed of conveyance has since been executed and the petitioner is now the owner of the land. However, it is not disputed that as on the relevant date, that is the last date for submission of applications, the petitioner was not the owner of the land.

The High Court cannot, and rightly did not, in exercise of power under Article 226 of the Constitution of India, relax the terms and conditions of a tender notice.

Such relaxation would be patently discriminatory, for it would then be open for other applicants ineligible on the last date for submission of applications to contend that, they could have acquired eligibility subsequently.

In our view, the High Court rightly dismissed the Writ Petition, challenging the rejection of the candidature of the petitioner as devoid of merit. The impugned judgment and order does not call for interference. Accordingly, the special leave petition is dismissed.

..... J

[INDIRA BANERJEE]

..... J

[M.R. SHAH]

New Delhi;
October 4, 2019.

ITEM NO.55

COURT NO.16

SECTION XI

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 37479/2016

(Arising out of impugned final judgment and order dated 08-03-2016 in WP No. 4717/2016 passed by the High Court Of Judicature At Allahabad, Lucknow Bench)

DURGAWATI DEVI

Petitioner(s)

VERSUS

UNION OF INDIA THR. ITS SECRETARY, MINISTRY & ORS. Respondent(s)

Date : 04-10-2019 This petition was called on for hearing today.

CORAM : HON'BLE MS. JUSTICE INDIRA BANERJEE
HON'BLE MR. JUSTICE M.R. SHAH

For Petitioner(s) Mr.Kamal Mohan Gupta,Adv.
Mr.Shiv Kumar Tripathi,Adv.
Mr.Umang Tripathi,Adv.
Ms.Sheela Mishra,Adv.
Mr.Sanjay Kumar,Adv.
Mr.Anil Kumar,Adv.
Mr. Dr.Rajeev Sharma, AOR

For Respondent(s) Ms.Pinky Anand, ASG
Mr.Bharat S.,Adv.
Ms.Diksha Rai,Adv.
Mr.Chakitan V.S.Papata,Adv.
Mr.R.B.Yadav,Adv.
Mr.Raj Bahadur,Adv.
Mrs.Anil Katiyar,Adv.
Mr. Anurag Kishore, AOR

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

Heard learned counsel for the parties.
The Special Leave Petition is dismissed.
Reasons to follow.

(SUSHMA KUMARI BAJAJ)
SENIOR PERSONAL ASSISTANT

(BEENA JOLLY)
BRANCH OFFICER

(The Signed Order is placed on the file)