

IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI
(Special Original Jurisdiction)

THURSDAY, THE EIGHTH DAY OF AUGUST
TWO THOUSAND AND TWENTY FOUR
PRESENT



THE HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA
WRIT PETITION NO: 11743 OF 2024

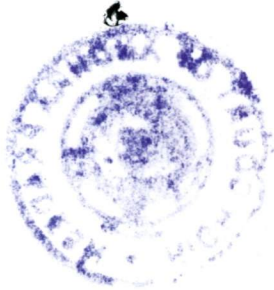
BETWEEN:

Gandham Srinivasulu, S/o. Sanjeevaiah,
Aged about 40 years, Occ: Business,
Proprietor of M/s. Sri Venkateswara Filling Station,
Survey No.242, Padmavathipuram Village,
Tirupati Rural Mandal, Tirupati District.

...Petitioner

And

1. The Union of India
Rep. by its Secretary
Ministry of Petroleum and Natural Gas, Department
2. State of Andhra Pradesh
Rep. by its Principal Secretary
Civil Supplies Department,
Secretariat, Velagapudi, Guntur District.
3. The District Collector and Magistrate,
Tirupati, Tirupati District.
4. The Controller of explosives,
Ministry of commerce and industry,
Petroleum and explosives safety organization (PESO)
Room No.602, 6th floor,
C.G.O Towers, Kavadiguda,
Secunderabad-500080.
5. The Joint Chief controller of Explosives,
Ministry of commerce and industry,
Petroleum and explosives safety organization (PESO)
Room No.602, 6th floor,
C.G.O Towers, Kavadiguda,
Secunderabad-500080.
6. The Deputy Chief controller of Explosives,
Ministry of commerce and industry,
Petroleum and explosives safety organization (PESO)
Room No.602, 6th floor,
C.G.O Towers, Kavadiguda,



Secunderabad-500080.

7. The District Revenue Officer and Additional District Magistrate, Tirupati, Chittoor District.
8. The District Supply Officer,
Tirupati, Chittoor District.
9. The Joint Chief Controller of Explosives
Explosives Department, Circle No. 140,
Shastri Bhavan, 26 Haddows Road, Nungampakam,
Chennai.
10. The Hindustan Petroleum Corporation Limited,
(A Government of India Enterprises)
Having its Regional office at 16-15-986/2,
Aarvy House, Near Krishna Mandiram,
Children's Park Main Road, Nellore,
SPSR Nellore District.
Rep. by its Regional Manager.
11. Regional Manager,
The Hindustan Petroleum Corporation Limited,
(A Government of India Enterprises)
Having its Regional office at Vijayawada,
Mangalagiri Road, Near Sai Baba Temple,
Tadepalli, Guntur,
Andhra Pradesh-522501.
12. Sales Officer,
The Hindustan Petroleum Corporation Limited,
(A Government of India Enterprises)
Tirupathi, Chittoor District.
13. Smt. Maddepatla Padmavathamma,
W/o. M. Reddappa Naidu,
Aged about 58 years, Residing at D.No. 1/10,
Srinivasapuram, Tiruchanur Road,
Tirupati, Chittoor District.
14. Maddepatla Reddappa Naidu,
S/o. late Venkata Subbaiah,
Aged about 68 years, Residing at
D.No. 1/10, Srinivasapuram,

Tiruchanur Road, Tirupati,
Chittoor District.

...Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue any writ, order or direction more particularly one in the nature of **WRIT OF MANDAMUS** declaring the proceedings No. P/SC/AP/14/4980 (P188382), Dt.26.07.2023 and consequential proceedings No.P/SC/AP/14/4980 (PT188382), Dt.24.04.2024 of the 5th respondent as illegal, arbitrary and violation of Article 21 of the Constitution of India and to consequently set aside the proceedings No.P/SC/AP/14/4980 (P188382), Dt.26.07.2023 and consequential proceedings No.P/SC/AP/14/4980 (P188382), Dt.24.04.2024 and direct the 5th respondent to continue the explosive license and further direct the corporation to supply the petroleum products in view of letter of intent Dt.06.06.2011 thereby permitting the petitioner to run the retail outlet.

IA NO: 1 OF 2024

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to permit the petitioner to run the retail outlet by suspending the proceedings No. No.P/SC/AP/14/4980 (P188382), Dt.26.07.2023 and further proceedings No.P/SC/AP/14/4980 (P188382), Dt.24.04.2024 of the 5th respondent pending disposal of the Writ Petition.

**Counsel for the Petitioner: SRI. KALAVA SURESH KUMAR REDDY, SC
FOR MUNICIPAL CORPORATION RAYAL REGION, NELLORE**

**Counsel for the Respondent Nos.1, 4, 5, 6 & 9: SC FOR CENTRAL
GOVERNMENT**

Counsel for the Respondent Nos.3 & 7: GP FOR REVENUE

Counsel for the Respondent Nos.13 & 14: M/s. PILLIX LAW FIRM

Counsel for the Respondent Nos. 2 & 8: GP FOR CIVIL SUPPLIES

Counsel for the Respondents: SRI G.RAMA GOPAL

Counsel for the Respondent Nos. 10, 11 & 12: SRI K.SRINIVASA

MURTHY, SC FOR HPCL

The Court made the following: ORDER



IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)

[3329]

THURSDAY, THE EIGHTH DAY OF AUGUST
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NO: 11743/2024

Between:

GandhamSrinivasulu,

...PETITIONER

AND

The Union Of India and Others

...RESPONDENT(S)

Counsel for the Petitioner:

1.KALAVA SURESH KUMAR REDDY (SC FOR MC RAYAL REGION,
NELLORE)

Counsel for the Respondent(S):

1.GP FOR REVENUE

2.PILLIX LAW FIRM

3.GP FOR CIVIL SUPPLIES

4.G RAMA GOPAL

5.K SRINIVASA MURTHY (SC FOR HPCL)

6.

The Court made the following:

ORDER:-

1. This writ petition is filed claiming the following relief:

*"...to issue any writ, order or direction more particularly
one in the nature of Writ of Mandamus declaring the
proceedings No.P/SC/AP/14/4980 (P188382), dated*

26.07.2023 and consequential proceedings No.P/SC/AP/14/4980 (P188382), dated 24.04.2024 of the Respondent No.5 as illegal, arbitrary and violation of Article 21 of the Constitution of India and to consequently set aside the proceedings No.P/SC/AP/14/4980(P188382), dated 26.07.2023 and consequential proceedings No.P/SC/AP/14/4980 (P188382), dated 24.04.2024 and direct the Respondent No.5 to continue the explosive license and further direct the Corporation to supply the petroleum products in view of the letter of intent dated 06.06.2011 thereby permitting the petitioner to run the retail outlet and to pass such other order or orders..."

2. Heard the learned counsel for the petitioner and learned counsel for the Respondents.

3. Learned counsel for the petitioner submits that the petitioner herein is a retail dealer of Respondent No.10 / the Hindustan Petroleum Corporation Limited (HPCL), pursuant to his selection as a dealer by Respondent No.10 vide Letter of Intent dated 06.06.2011. Since then, he has been operating his retail outlet under the name and style of M/s. Sri Venkateswara Filling Station situated at Sy.No.242 of Padmavathipuram Village, Tirupati Rural Mandal, Tirupati District.

4. Learned counsel for the petitioner further submits that Respondent No.10 i.e. HPCL, has entered a Lease Agreement with Respondent Nos.13 and 14 in respect of vacate land situated at Sy.No.242, Srinivasapuram, Tiruchanur admeasuring to an extent of Ac.0.21 cents or 1005 sq.yards for a lease period of 15 years vide registered lease deed dated 01.05.2007. As per

the recitals of the lease deed, the term of lease is for a period of 15 years and renewable thereafter for a further period of 15 years. The admitted fact is the initial period of the lease is for 15 years i.e. from 01.05.2007 until 30.04.2022 and thereafter renewable for a further period of 15 years from 01.05.2022 onwards till 30.04.2037. While so, without issuing any notice and without providing any opportunity of hearing to the lessee of the premises in whose favour No Objection Certificate (NOC) was granted by the then District Collector / Respondent No.2 withdrawn/cancelled the subject NOC vide proceedings in Roc.C6/3096/2023, dated 31.05.2023. Challenging the said proceedings, the petitioner herein filed W.P.No.14220 of 2023 before this Court.

5. Learned counsel for the petitioner further submits that once the matter was sub judice before this Hon'ble Court vide W.P.No.14220 of 2023 and also a suit was filed for eviction bearing OS. No.71 of 2022 on the file of Hon'ble Senior Civil Judge, Tirupati. The Respondent No.4 herein being Head of Department cannot arbitrarily exceed his jurisdiction at instance of third parties. He further submits that Respondent No.5 had acted upon the complaint dated 22.04.2024 made by Respondent Nos.13 and 14 and withdrawn explosive licence granted in favour of the petitioner due to the complaint of third parties / Respondent Nos.13 and 14.

6. Learned counsel for the petitioner further submits that on 24.04.2024, the petitioner herein received a WhatsApp message from the Regional Sales Officer, who in turn forwarded the proceedings

No.P/SC/AP/14/4980(P188382), dated 24.04.2024, wherein the Respondent No.5 directed the Corporation immediately stop the operation of the subject outlet and informed that the current status of the subject outlet with dispenser reading and current stock. It is further stated that the subject outlet is continuing in violation of the Petroleum Act, 1934 and the Petroleum Rules, 2002. It is further advised to follow the procedure as laid down under Rule 153 of the Petroleum Rules, 2002.

7. Learned counsel for the petitioner further submits that this Court has directed the concerned authorities to permit the petitioner to operate the subject retail outlet, again Respondent No.5 issued the present impugned proceedings in consequence to his cancellation orders dated 26.07.2023 is nothing but abuse of process of law. Hence the writ petition.

8. On the other hand, learned counsel for the Respondents submits that the matter can be remanded to the original authority / Respondent No.3 for re-appreciation of the matter and for compliance of the principles of the natural justice in respect of Respondent No.10.

9. Having regard to the submissions made by both the counsels and on perusal of the material placed on record, it is observed that the impugned proceedings dated 31.05.2023 issued by Respondent No.3 is only at the instances of the Respondent Nos.13 and 14, who are the land lords of subject property of the outlet.

10. It is further observed that Respondent Nos.5 passed an order vide proceedings No.P/SC/AP/14/4980(P188382), dated 26.07.2023 in cancelling the explosive license granted in favour of Respondent No.10, in view of the cancellation / withdrawn of NOC issued by Respondent No.3, dated 31.05.2023 are liable to be suspended for the reason while passing the impugned proceedings by Respondent No.3, the principles of natural justice were not observed in respect of Respondent No.10, who is entitled for observance of such principles, the consequential proceedings issued by Respondent Nos.5 dated 26.07.2023 and 24.04.2024 are also liable to be set aside.

11. Accordingly, the writ petition is allowed-in-part and the impugned order issued by Respondent No.5 vide proceedings No.P/SC/AP/14/4980 (P188382), dated 26.07.2023 and the consequential proceedings No.P/SC/AP/14/4980(P188382), dated 24.04.2024 are hereby set aside. If the Respondents are intend to pass any further orders, the Respondents are at liberty to proceed further in accordance with the law by providing an opportunity of hearing to all the parties/stakeholders. There shall be no order as to costs.

Consequently, miscellaneous applications pending if any, shall stand closed.

//TRUE COPY//

**Sd/- M. SRINIVAS
ASSISTANT REGISTRAR**

SECTION OFFICER

To,

1. The Secretary Ministry of Petroleum and Natural Gas, Union of India, Department.

2. The Principal Secretary Civil Supplies Department, State of Andhra Pradesh Secretariat, Velagapudi, Guntur District.
3. The District Collector & Magistrate, Tirupati, Tirupati District.
4. The Controller of Explosives, Ministry of Commerce & Industry. Petroleum & Explosives Safety Organization (PESO) Room No.602, 6th Floor, C.G.O Towers, Kavadiguda, Secunderabad-500080.
5. The Joint Chief Controller of Explosives, Ministry of Commerce & Industry, Petroleum & Explosives Safety Organization (PESO) Room No.602, 6th Floor, C.G.O Towers, Kavadiguda, Secunderabad-500080.
6. The Deputy Chief Controller of Explosives, Ministry of Commerce & Industry Petroleum & Explosives Safety Organization (PESO) Room No.602, 6th Floor, C.G.O Towers, Kavadiguda, Secunderabad-500080.
7. The District Revenue Officer & Additional District, Magistrate, Tirupati, Chittoor District.
8. The District Supply Officer, Tirupati, Chittoor District.
9. The Joint Chief Controller of Explosives, Explosives Department, Circle No. 140, Shastri Bhavan, 26 Haddows Road, Nungampakam, Chennai.
10. The Hindustan Petroleum Corporation Limited, (A Government of India Enterprises) Having its Regional office at 16-15-986/2, Aarvy House, Near Krishna Mandjram, Childrens Park Main Road, Nellore, SPSR Nellore District. Rep. by its Regional Mahager.
11. The Regional Manager, Hindustan Petroleum Corporation Limited (A Government of India Enterprises) Having its Regional Office at Vijayawada, Mangalagiri Road, Near Sai Baba Temple, Tadepalli, Guntur, Andhra Pradesh-522501.
12. The Sales Officer, the Hindustan Petroleum Corporation Limited, (A Government of India Enterprises) tirupathi, Chittoor District.
13. One CC to Sri Suresh Kumar Reddy Kaluva, SC for Municipal Corporation Rayal Region, Nellore. [OPUC]
14. One CC to O/o. Deputy Solicitor General of India, High Court of Andhra Pradesh. [OPUC]

15. Two CCs to GP for Revenue, High Court of Andhra Pradesh.
[OUT]
16. Two CCs to GP for Civil Supplies, High Court of Andhra Pradesh.
[OUT]
17. One CC to M/s. Pillix Law Firm. [OPUC]
18. One CC to Sri G. Rama Gopal, Advocate. [OPUC]
19. One CC to Sri K. Srinivasa Murthy, SC for HPCL. [OPUC]
20. **Three CD copies.**

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HIGH COURT

DATED:08/08/2024

ORDER

WP.No.11743 of 2024



**PARTLY ALLOWING THE WRIT PETITION
WITHOUT COSTS**