

HIGH COURT OF ANDHRA PRADESH

MAIN CASE No: W.P.No.14220 of 2023

PROCEEDING SHEET

Sl. No.	DATE	ORDER	OFFICE NOTE.
01.	16.06.2023	<p><u>RC,J</u></p> <p><u>W.P.No.14220 of 2023</u></p> <p>Notice before admission.</p> <p>Learned Government Pleader for Civil Supplies takes notice for respondent nos.1 & 4.</p> <p>Learned Government Pleader for Revenue takes notice for respondent nos.2 & 3.</p> <p>Sri Harinath, learned Counsel takes notice for respondent no.5</p> <p>Sri VR Reddy Kovvuri, learned counsel takes notice for respondent no.6.</p> <p>Learned Counsel for the petitioner is permitted to take out personal notices on respondent nos.7 & 8 and file proof of service before Registry.</p> <p>Post on 30.06.2023.</p> <p style="text-align: right;">RC, J</p> <p><u>I.A.NO.01/2023</u></p> <p>1. Heard.</p> <p>2. Sri O. Manohar Reddy learned Senior Counsel for the petitioner submitted that, 6th respondent-HPCL Corporation has established a retail outlet (petrol-pump) in S.No.242, Srinivasapuram, Tiruchanur in an extent of Ac.0.21 cents, and the said land is taken on lease. He further submitted that, the 5th respondent</p>	

	<p>has entered into a lease agreement with the respondent nos.7 & 8 for a period of 15 years and the said lease is renewable for another 15 years as per terms of registered lease agreement which is placed on record and has drawn the attention of this Court to the same. He further submitted that, respondent nos.7 & 8 seems to have made a representation to the 2nd respondent-District Collector, Tirupathi, through SPANDANA which has been taken on file and the 2nd respondent issued notice to the petitioner, who is unconnected with the lease agreement and thereby entertained the same and got cancelled the NOC.</p> <p>He further submitted that, in fact NOC was never issued in favour of the petitioner and it was issued in favour of the 6th respondent and the 2nd respondent, without proper application of mind, has entertained the petition filed by the respondent nos.7 & 8 and cancelled the NOC as if it has been issued in favour of the petitioner. The learned Senior Counsel has drawn the attention of this Court to the impugned proceedings which is placed on record. The entire impugned proceedings does not show anything as to whether any notice has been served in this regard to the 6th respondent. By virtue of this impugned proceedings the petitioner cannot run the petrol pump. He further contended that, the petitioner has employed his men in the said petrol pump by paying huge salaries to them. He submitted that, if the pump is closed abruptly, not only the petitioner but also the employees and their families would be affected. As such filed the present writ petition and prayed to pass appropriate orders in that regard.</p>	
--	---	--

	<p>On the other hand, learned Government Pleader for respondent no.2 submitted that, pursuant to the complaint given by the respondent nos.7 & 8, 2nd respondent not only issued notice to the petitioner but also to the corporation and only after hearing, the said impugned proceedings has been passed. She further submitted that, a detailed counter is required in the present case and opposed to grant any interim direction on the ground that there is no such lease agreement in existence as on today.</p> <p>Perused the record.</p> <p>The only dispute now is that, basing on the complaint given by the respondent nos.7&8 the 2nd respondent issued notice to the petitioner and after hearing, has cancelled the NOC issued in favour of the 6th respondent. In fact, as per the contentions of the counsel and as per the record, NOC has been issued in favour of 6th respondent-(HPCL) permitting to open the retail outlet, and when NOC is issued in favour of HPCL, as to how the District Collector has cancelled the NOC stating that NOC is in favour of the petitioner has been cancelled. This itself shows that the District collector has passed impugned proceedings without proper application of the mind and without verifying the record properly.</p> <p>There is some force in the contentions of the learned Senior Counsel for the petitioner that, if the petrol pump is closed abruptly, not only the petitioner but also the employees and their families would be affected. The petitioner has made out a point for consideration in this present writ petition. As such, this Court is inclined to pass the following interim order:</p>	
--	---	--

		<p>The concerned respondent-authorities are directed to permit the petitioner to operate the retail outlet at Sy.No.242, Padmavathipuram, Tirupathi Rural Mandal, Chitoor District without adhering to the proceedings vide ROC.NO.C6/3096/2023 dated 31.05.2023 issued by the 2nd respondent, pending further orders.</p> <p style="text-align: right;">RC, J</p> <p><i>Note: Issue C.C. by 16.06.2023 B/o BRS</i></p>	
--	--	---	--