

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.21709 of 2015

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ORDER:

Heard.

Petitioner claims to be the joint owner of the land admeasuring 50,681.95 sq. meters in Sy.Nos.31, 32, 33, 34 and 45 situated at Roshanuddoula Village, Saroornagar Mandal, Ranga Reddy District. The said land is stated to be belonged to the petitioner and his family members. The petitioner states that the issue with regard to land ceiling proceedings was already decided by this Court in W.P.No.886 of 2012, dated 13-11-2013, and as such, the land claimed by the petitioner undoubtedly belongs to him and his family members and no Government interest is involved. The petitioner states that with a view to establish retail outlet for Motor Spirit and High Speed Diesel, he submitted an application, dated 24-11-2014 along with the required documents for granting licence. However, as required under the Petroleum Act and the Rules, the 2nd respondent vide his letter, dated 23-01-2015, requested the 4th respondent to issue NOC. Though the 4th respondent got the enquiry conducted, no further orders are passed and ultimately the NOC has not been given to the petitioner. Hence, the petitioner seeks a Mandamus against inaction of the 4th respondent in issuing NOC as requested by the 2nd respondent.

On instructions, learned Government Pleader states that the respondents seek to prefer an appeal against the order in W.P.No.886 of 2012, dated 13-11-2013, as the Government seeks to claim the aforesaid land, as it is excess vacant land falls under the provisions of Urban Land (Ceiling and Regulation) Act, 1976.

In the instant case, no such appeal is yet been filed. However, in a matter of this nature, where respondents 3 and 4 are merely required to give NOC, I do not see as to how their claim in respect of the land in question would be affected by issuing NOC, as requested by the 2nd respondent. Hence, even assuming that the respondents filed an appeal, the proposed retail outlet for Motor Spirit and High Speed Diesel to be established by the petitioner in the land in question, would

always be subject to ultimate orders that would be passed in the said appeal. Hence, I do not see any reason as to why respondents 3 and 4 are not issuing requisite NOC, if all other requirements are fulfilled by the petitioner.

The writ petition is, therefore, disposed of directing respondents 3 and 4 to consider the request of the 2nd respondent and if all other requirements are fulfilled by the petitioner, pass appropriate orders on the aforesaid application of the petitioner with regard to grant of NOC and any such order, which respondents 3 and 4 would pass, will always be subject to the ultimate result of the proceedings initiated by the respondents under the Urban Land (Ceiling and Regulation) Act, 1976. Respondents 3 and 4 shall complete the said excise within four weeks from the date of receipt of a copy of this order. No costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

VILAS V.AFZULPURKAR, J

Date: 31-07-2015

Prv