

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

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WRIT PETITION No.13178 OF 2007

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ORDER:

This Writ Petition came to be filed seeking issuance of writ of *mandamus* to declare the action of the respondents in deciding to establish petrol and diesel retail outlet in the site covered by survey No.70/1/C adjacent to school and opposite to Maszid in the midst of residential locality of East Gangavaram Village, as arbitrary and illegal and consequently, direct the respondents not to establish petrol and diesel outlet at East Gangavaram Village.

2. The averments in the affidavit filed in support of the petition are as under:

The petitioner, who was working as Joint Secretary of Maszid Committee of East Gangavaram Village, states that in the 3rd week of May, 2007, respondents 3 and 4 repeatedly visited the site covered by aforesaid survey number and on enquiry, he came to know that respondents 3 and 4 are examining the feasibility of establishment of Petrol and diesel retail outlet in the said site. The residents of East Gangavaram village including the petitioner submitted objection/representation on 28.05.2007 requesting to stop the proposal for establishment of outlet in the aforesaid survey number. It is said that establishment of petrol and diesel outlet would be dangerous to public at large, who would be moving in and around that area. It is further stated that establishment of petrol and diesel outlet will cause sound and air pollution and also difficult for people visiting the Mosque to offer prayers. The same led to filing of the present Writ Petition.

3. Respondent No.3 filed counter disputing the averments made in the petition. It is specifically stated that advertisement was issued in Deccan Chronicle on 25.04.2007 inviting offers from the land owners either by way of outright sale or lease for a period of 30 years. Pursuant to the said advertisement, Corporation has received offers from three persons and the applications are under consideration. It is further stated that the respondent authorities have not yet finalized the issue for

establishment of petrol outlet. The averments in the counter further disclose that after taking necessary permission from the authorities concerned, the retail outlet would be established.

4 . From the perusal of the material on record, it is clear that the respondent Corporation has not yet finalized the issue of establishment of petrol outlet in survey No.70/1/C. Learned counsel for the respondents submitted that the Writ Petition itself is premature as the process of establishment of petrol outlet in the aforesaid survey number is not finalized till date.

5. Having regard to the facts and circumstances stated above, the Writ Petition is disposed of directing respondents 3 and 4 to obtain necessary permission from the authorities concerned for establishment of outlet and also consider the objections, if any, raised by the petitioner before establishment of outlet in Survey No.70/1/3 of East Gangavaram Village. There shall be no order as to costs.

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

JUSTICE C. PRAVEEN KUMAR

Date:15.12.2015

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