

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.5019 of 2015

ORDER:

Heard the learned counsel for the petitioner and the learned G.P. for Home and learned G.P. for Revenue and Sri B.Mayur Reddy, learned counsels representing the respondents.

The petitioner claims the land in question, which is subject matter of a letter of intent issued by the third respondent in favour of 4th respondent for establishment of petroleum out let. It appears that as on today, the District Fire Officer has given No Objection Certificate and communicated the same to the District Collector and it is for the District Collector – first respondent to consider the grant of licence to the third and fourth respondents under the Explosives Substances Act or with storage of petroleum products under the Petroleum Act. The petitioner, who has made a rival claim of title by setting up of an independent title as against the fourth respondent and his vendor, has already filed O.S.No.21 of 2012 before Principal Junior Civil Judge, Addanki for declaration of sale deed, which is impugned, as invalid and the said suit is pending.

At the stage, therefore in my view, the writ petition is clearly premature as no licence is granted by the District Collector in favour of either of respondents 3 and 4 and since the Collector would be exercising his statutory power if and when any licence is made to any party, it would not be appropriate to entertain the writ petition so as to restrain the District Collector in considering for grant of any such licence to any third party.

Hence, I do not see any reason to entertain this writ petition as the same is premature. Accordingly, the writ petition is dismissed. If the petitioner's suit is disposed of, he is at liberty to make appropriate application before appropriate authority at the appropriate stage in conformity with the decree. No order as to costs. Miscellaneous Petitions pending if any in this writ petition shall stand closed.

VILAS V.AFZULPURKAR, J

Date: 02-03-2015

Rns.

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