

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD  
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA  
PRADESH

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**WRIT PETITION No. 26375 of 2015**

**BETWEEN**

Kaverigari Venkateswar Reddy

**... PETITIONER**

**AND**

The State of Telangana, rep. by its Principal  
Secretary, Revenue Department, Hyderabad and others

**...RESPONDENTS**

Date of Order pronounced: 07.09.2015

**SUBMITTED FOR APPROVAL:**

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**THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR**

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|----------------------------------------------------------------------------------|--------|
| 1. Whether Reporters of Local newspapers<br>may be allowed to see the Judgments? | Yes/No |
| 2. Whether the copies of judgment may be<br>marked to Law Reporters/Journals?    | Yes/No |
| 3. Whether his Lordship wish to see the<br>fair copy of the Judgment?            | Yes/No |

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**ORDER:**

Heard.

2. Petitioner is a dealer of the fourth respondent and also an interested person along with the fourth respondent in obtaining No Objection Certificate (NOC) from the District Collector for establishment of petroleum outlet at survey No.252 at Kilometer

14/0-2 (L/S) on Shamirpet-Laxmapur Road, Mooduchintalapally Village, Shamirpet Mandal, Ranga Reddy District. The grievance of the petitioner in the present writ petition is with respect to the communication, Ex.P1, addressed by the third respondent to the second respondent dated 25.11.2013, wherein the third respondent recommended that after IRC/12-2009 Guidelines, the minimum distance between two fuel stations would be 300 mts. of undivided carriage width whereas the proposed site for which no objection is sought for is 50 mts. from the existing BPCL petrol bunk and accordingly, he advised the second respondent that the proposed site of the petitioner is not in accordance with IRC/12-2009 guidelines.

3. On the last date of hearing notice was ordered to be served on the fourth respondent and the learned government pleader for revenue was required to get instructions from respondent Nos.1 to 3.

4. Mr. B. Mayur Reddy, learned counsel appearing for the fourth respondent, states that, in fact, the fourth respondent is also aggrieved by the said impugned order and the fourth respondent is already advised to challenge the said proceedings independently.

Learned counsel also submits that the said IRC/12-2009 guidelines are neither statutory nor there is any prohibition in terms of the said guidelines and submits that the only requirement as per the said guidelines is that the fourth respondent's dealer i.e. the petitioner will have to ensure that common access through a service road of 7 mts., width stipulated in 4.63 and 4.644 of the guidelines is required to be complied with.

5. Learned government pleader, who appears for the second respondent, submits that the impugned proceeding is only a recommendation by the third respondent and the second respondent will examine the matter

independently and pass appropriate orders regarding no objection certificate sought for by the fourth respondent.

6. It is also evident from the record that extensive correspondence has taken place where the second respondent has called for reports and remarks from the officers concerned including the third respondent and that the RDO, Malkajgiri has also submitted his enquiry report apart from the other material already available with the second respondent. The guidelines regarding the location of more than one fuel station in close proximity appears to have been already envisaged in the said guidelines where the necessity of providing access is insisted upon and that separate access layout guidelines are also provided.

7. Learned counsel for the fourth respondent states that in all such cases the guidelines insist the dealer to provide with such access in terms of the guidelines.

8. Learned counsel for the petitioner states that, in fact, the notification for his petroleum outlet was issued earlier than the notification of BPCL, but, however, BPCL petroleum outlet was established earlier than the petitioner's outlet.

9. Apart from all these factual issues the fact remains that the second respondent has not yet considered and passed appropriate orders on the request of the fourth respondent for grant of NOC for establishment of petroleum outlet under the dealership of the petitioner. Hence, it is appropriate to direct the second respondent to consider the said request of the fourth respondent after taking into consideration all the facts and circumstances and the various reports stated to have been submitted to him by the officers concerned and take an independent decision in the matter. It is open for the second respondent also to impose appropriate condition as he deems fit by granting certificate and since the matter is pending for quite some time it is appropriate to direct the second respondent to pass appropriate orders relating to NOC, preferably, within a period of six (6) weeks from the date of receipt of a copy of this order.

The writ petition is disposed of. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

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VILAS V. AFZULPURKAR, J

September 7, 2015

**LMV**