

THE HON'BLE SRI JUSTICE S. V. BHATT

WRIT PETITION No.38647 of 2016

ORDER:

Heard Sri Kiran Palakurthi for petitioner and Assistant Government Pleader (Civil Supplies) for respondents 1 to 4.

On 09-11-2016, the following order was passed.

The petitioner places strong reliance upon contradictory and inconsistent reports forwarded by the Commissioner, Nalgonda Municipality in the matter of establishment of Petrol/ Diesel Retail outlet at Shivaji Nagar, Nalgonda Town. The petitioner relies upon Ex.P-3 issued on 27-10-2016 and the Proceedings dated 22-09-2016 granting 'No Objection' for establishment of Petrol/ Diesel Retail outlet at Door No.6-7-10/ A at Shivaji Nagar, Nalgonda Town. In a short span, there cannot be appearance or disappearance of a house in Shivaji Nagar, Nalgonda Town.

Therefore, as grant of 'No Objection' has some sanctity under the Petroleum Act and Rules, the Standing Counsel assures the Court that the Commissioner will be present with record and the relevant photographs of subject outlet on 15-11-2016.

At request, post on 15-11-2016 in 'ML'.

The Commissioner/ 6th respondent is present in the Court. As directed on 09-11-2016, the record in File No.G1/ 662/ 2016 is placed before the Court. The 6th respondent admit the fundamental mistake committed by him in giving No Objection Letter dated 14-07-2016, which finally resulted in issuance of Proceedings No.C2/ 5543/ 2016, dated 22-09-2016.

Learned Standing Counsel appearing for 6th respondent explained the circumstances under the which the bonafide mistake had occasioned and further said that his client is prepared to re-examine the issue of

grant of No Objection Certificate and send appropriate communication to respondents 2 and 3.

Learned Government Pleader (Civil Supplies) submits that the Proceeding dated 22-09-2016 is certainly the result of Communication of 6th respondent. Since there is a mistake, the said proceeding can be set aside and remitted to respondents 2 and 3 for consideration afresh.

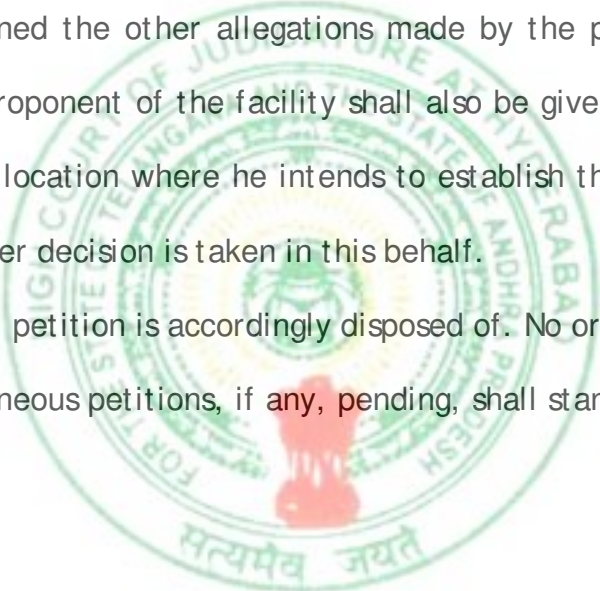
By placing the above statement on record, the impugned proceeding is set aside and the matter is remitted to respondents 2 and 3 for consideration afresh.

Since the mistake is accepted by the 6th respondent, this Court has not examined the other allegations made by the petitioner in this behalf. The proponent of the facility shall also be given an opportunity to explain the location where he intends to establish the subject petrol bunk and further decision is taken in this behalf.

The writ petition is accordingly disposed of. No order as to costs.

Miscellaneous petitions, if any, pending, shall stand closed.

Dt: 15-11-2016
Prv

S. V. BHATT, J

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Prv

