

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.19352 OF 2014

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ORDER:

This writ petition is filed challenging the proceedings vide Lr.No.C3/4927/2012, dated 16.06.2014, issued by the 2nd respondent, wherein the petitioner was informed that his application for grant of NOC for the proposed installation of new MS & HSD retail outlet in Sy.No.599, situated at Koheer (V&M) of Medak District, will be taken up only after receipt of the orders in WP.No.4574 of 2012.

Learned counsel for the petitioner submits that the impleaded 9th respondent filed WP.No.4574 2012 against the petitioner seeking stay of finalization and establishment of retail outlet dealership of Hindustan Petroleum Corporation Limited at Kohir Village; that in the said writ petition the petitioner and the Hindustan Petroleum Corporation filed WV.MP.Nos.2841 and 3226 of 2012 to vacate the interim stay granted by this Court on 22.02.2012 in WP.MP.No.5841 of 2012, and that this Court vacated the interim order dated 22.02.2012 on 27.11.2012. He further submits that when the stay was vacated by this Court, mere pendency of writ petition does not restrict the 1st respondent from considering the case of the writ petitioner for grant of NOC for establishment of MS & HSD outlet in Sy.No.599 at Kohir. He also submits that Writ Appeal filed against the order dated 27.11.2012 passed by this Court vacating the stay in WP.MP.No.5841 of 2012 in WP.No.4574 of 2012 was also withdrawn by the proposed 9th respondent and that the order dated

27.11.2012 passed by this Court vacating the stay granted in WP.MP.No.5841 of 2012 has become final. Now there is no impediment for the 2nd respondent to consider the application of the petitioner for grant of NOC.

The implead petition is also filed with the same averments as made in WP.No.4574 of 2012 alleging violation of guidelines issued by the Indian Road Congress and the said aspect was already considered by this Court while vacating the interim order dated 22.02.2012 in WP.MP.No.5841 of 2012 in WP.No.4574 of 2012 and the objections raised by the 9th respondent before the 2nd respondent also pertain to the same.

In view the same, while there is no stay operating against the 2nd respondent for considering the case of the petitioner for grant of No objection, the 2nd respondent cannot refuse to consider the application of the petitioner. In view of the same, the impugned order dated 16.06.2014 is set aside and the 2nd respondent is directed to consider the application of the petitioner for grant of No Objection Certificate for establishment of new MS & HSD Retail Outlet in Sy.No.599, situated at Kohir Village and Mandal, Medak District, in accordance with law after considering the objection of the 9th respondent, if any, within a period of six (6) weeks from the date of receipt of a copy of this order. However, the same shall be subject to orders to be passed in the WP.No.4574 of 2012.

Accordingly, the writ petition is disposed of. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending

in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

19.04.2016

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