

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.31089 of 2010

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ORDER:

This petition is filed for a writ of *Mandamus* declaring the action of the 1st respondent in not issuing LPG connections to the new customers, spare cylinders to the existing customers and in not accepting transfers of incoming and outgoing customers through petitioner's distributionship; and that in issuing notice dated 04.09.2010, as illegal and arbitrary and for a consequential direction to the

1st respondent not to take any action against the petitioner pursuant to the notice dated 04.09.2010.

In the counter filed by the 1st respondent, it is clearly stated that the petitioner filed WP.No.23106 of 2010 against the same show cause notice which was impugned in this writ petition, and sought for extension of time. It is also stated that the petitioner filed OS.No.283 of 2010 on the file of the

II Additional District Judge, Vijayawada and also moved an application for grant of injunction and the trial Court was pleased to grant *exparte* injunction. It is further stated that the petitioner cannot take two parallel proceedings in respect of the same cause of action and that on that ground the writ petition can be dismissed. The respondents have denied the averments made in the writ petition and also stated other facts which are not relevant for disposal of the writ petition.

Heard.

It is to be seen that the impugned proceedings is only show

cause notice. It is not the case of the petitioner that the said notice is without jurisdiction. Normally, this Court will not interfere with the show cause notice, unless it is issued without jurisdiction. Moreso, petitioner already filed WP.No.23106 of 2010, before this Court against the notice which was impugned in this writ petition and also filed OS.No.283 of 2010 before the Court below and the same is pending. As such, the petitioner cannot claim same relief by way of this writ petition and the writ petition is not maintainable.

In view of the above facts and circumstances, I do not see any merit in the writ petition.

Accordingly, the writ petition is dismissed is dismissed. 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

16.02.2016
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