

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

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WRIT PETITION No.6652 of 2011

Between:

Mohammed Abdul Jabbar

....Petitioner

and

The Commissioner of Police,
Hyderabad City Police,
Basheer Bhag, Hyderabad, and others.

....Respondents

JUDGMENT PRONOUNCED ON : 22.02.2016

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO :

1. Whether Reporters of Local newspapers : Yes
may be allowed to see the Judgments?
2. Whether the copies of judgment may be : No
Marked to Law Reporters/Journals?
3. Whether Their Ladyship/Lordship wish to : No
see the fair copy of the Judgment?

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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WRIT PETITION No.6652 of 2011

ORDER:

This Writ Petition is filed challenging the action of the first respondent in rejecting the application of the petitioner for opening a new retail outlet vide letter dated 29.01.2011.

The petitioner is an applicant for appointment of dealers for retail outlet on the left side of the Tolichowki to Shaikpet road. The plot size was proposed for the retail outlet as 520 square meters and frontage as 20 meters. The land is located in Adam Colony of Shaikpet Village, Hyderabad, in plot Nos.3, 4, 8 and 9. The third respondent inspected the

site and issued a letter of intent dated 29.10.2009 offering the retail outlet dealership to the petitioner. As per the terms of the letter of intent, the petitioner has to lease out the land for a period of 15 years and he is entitled for commission on the sale of petroleum products. The third respondent submitted an application to the first respondent on 21.04.2010 requesting for grant of No Objection Certificate and the Commissioner, Greater Hyderabad Municipal Corporation, also issued a letter on 05.10.2010 requesting the first respondent to issue Provisional No Objection Certificate. When respondent Nos.1 and 2 delayed issuance of No Objection Certificate, the petitioner filed W.P.No.1023 of 2011, and when the matter was adjourned for instructions of the learned Government Pleader, a letter of the first respondent dated 29.01.2011 rejecting the application was produced before the Court. The main ground for rejection was objection from the Traffic Police. Though a circular was issued on 06.07.2006 in terms of the guidelines evolved by the Committee constituted for the purpose of suggesting criteria for issuance of new petrol pump and outlets, the circular is only the guideline for issuance of No Objection Certificate. The letter of rejection also indicates that there was an objection from the President of the Adams Colony and five members. The petitioner states that the Colony Welfare Association has become defunct long back.

Now when the Writ Petition is taken up for consideration, the learned Counsel for the petitioner submits that a flyover has come near the area and the topography has been changed. He also submits that, in view of the passage of time, certain new guidelines might have been framed for issuance of No Objection Certificate.

In the circumstances, this Court is inclined to set aside the impugned letter dated 29.01.2011 passed by the first respondent and remand the matter to the first respondent for consideration of the case of the petitioner afresh taking into consideration the changed situation and after hearing the petitioner in accordance with law, and dispose of the

same within a period of three months from the date of receipt of a copy of this order.

In view of remand of the matter, this Court had not gone purposely into the rival claims made by the parties in the petition and the counter affidavits.

The Writ Petition is, accordingly, disposed of. The miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

22.02.2016

Note: Issue C.C in one week.

B/o.

vs