

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE SRI JUSTICE M.GANGA RAO

Writ Appeal No.1461 of 2017

JUDGMENT: {Per the Hon'ble the Acting Chief Justice Ramesh Ranganathan}

This appeal, under Clause 15 of the Letters Patent, is preferred against the order passed by the Learned Single Judge in W.P.M.P.No.36356 of 2017 in W.P.No.29216 of 2017 dated 30.08.2017. The appellant herein filed the writ petition questioning the appointment of the 6th respondent as an LPG Distributor pursuant to the notification dated 15.09.2013 in respect of Ramnagar/RTC X Roads, GHMC, Hyderabad.

In the order under appeal the Learned Single Judge observed that, as allotment to the 6th respondent was made in the year 2014, the question of granting stay did not arise. However his selection was made subject to the final orders in the writ petition.

Sri D.Ramakrishna, learned counsel for the appellant-writ petitioner, would submit that the guidelines of HPCL itself provide for a challenge to the selection of an LPG Distributor; the appellant-writ petitioner had availed the remedy prescribed under the said procedure, and had made an application (immediately after the earlier selection) by their letter dated 02.12.2014 enclosing a DD dated 03.12.2014 for Rs.1,000/-; the appellant-writ petitioner's complaint was disposed of only on 04.08.2017; while the 6th respondent was, no doubt, selected by way of drawal of lots, no LPG Dealership was allotted to him even till date; and the Learned Single Judge erred in dismissing the WPMP on the erroneous premise that the challenge to the 6th respondent's allotment was made belatedly.

It is wholly unnecessary for us to dwell on these contentions, as Sri Thoom Srinivas, learned Standing Counsel for HPCL, would fairly state that the appellant-writ petitioner had invoked the prescribed

procedure objecting to the allotment of LPG Distributorship soon after the 6th respondent was selected by way of drawal of lots; the objection raised by the appellant-writ petitioner was, in fact, disposed of only on 04.08.2017; and no letter of intent has been issued till date.

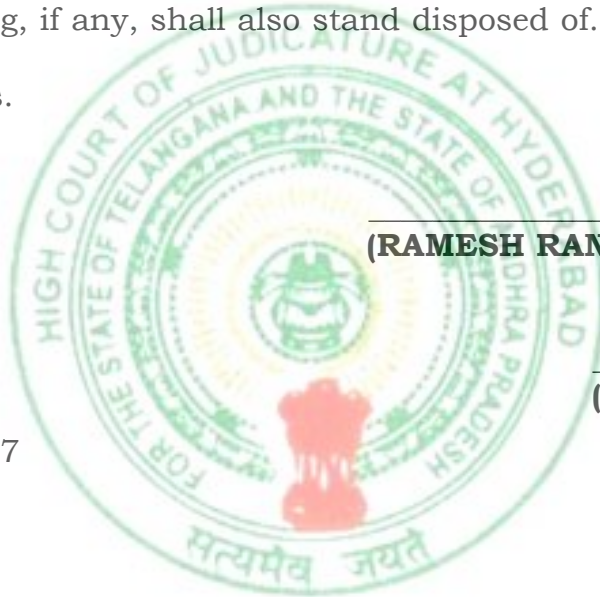
It is evident, therefore, that the appellant-writ petitioner cannot be said to have invoked the jurisdiction of this Court belatedly. The order under appeal is set aside, and the WPMP is restored to file. We have no reason to doubt that, on a request being made by the learned counsel for the appellant-writ petitioner requesting that the WPMP be taken up early, the Learned Single Judge would bestow it his due consideration.

The Writ Appeal is, accordingly, disposed of. Miscellaneous petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.

(RAMESH RANGANATHAN, ACJ)

(M.GANGA RAO, J)

5th October, 2017
JSU



**THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
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Date: 05.10.2017

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