

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 14684 OF 2018

ORDER:

1) The present writ petition came to be filed seeking issuance of writ of mandamus declaring the action of the official respondents in not acting upon the petitioners' representation, dated 17.04.2018 and permitting the sixth respondent to establish Auto Liquid Gas Station of Super Gas in the residential colony premises bearing No. 8-1-351/ A/ 39 & 40, 41, 11 (p), 12 (p), 13 (p), Adams Colony, Toli Chowki, Shaikpet Mandal, Hyderabad, owned by the respondents 17 and 18, as illegal and arbitrary.

2) By an order, dated 25.04.2018, this Court directed respondents 1 to 15 to stop construction and establishment of Auto Liquefied Purified Gas Plant/Godown in the above premises by respondents 16 to 18, until further orders. A vacate stay application came to be filed raising various issues, but ultimately, all the counsel sought for disposal of the application made by un-official respondent pursuant to the order passed by this Court in W.P.No.17730 of 2018, dated 17.05.2018. It is to be noted that the writ petition No.17730 of 2018 came to be filed seeking issuance of writ of mandamus declaring the proceedings dated 19.03.2018 as illegal,

arbitrary and violation of principles of natural justice. The allegations in the said writ petition would show that the petitioners therein claimed to be the absolute owners and possessors of house bearing No.8-1-351/ A/ 39-40, 41 admeasuring 680 square yards situated in Adams Colony, Tolichowki, Shaikpet Mandal, Hyderabad. The petitioners submitted an application before respondents 4 to 7 therein on 28.02.2018 seeking permission for construction of a commercial building for running an auto LPG Dispensing Station. It is said that the petitioners also entered into an agreement with respondent No.9, but respondents 4 to 7 returned the said application vide order dated 19.03.2018, which was not even communicated to the petitioners. The reason for rejection was that the petitioners have not submitted Land Use Certificate issued by HMDA. Having regard to the circumstances therein and the statement made by the learned Standing Counsel for the respondent-Corporation, the said writ petition was disposed of directing the petitioners to submit a fresh representation to the respondent-Corporation duly enclosing all the relevant documents within a period of one week from the date of receipt of a copy of the order and on such representation being made, the respondent-Corporation was directed to consider the same and pass appropriate orders in accordance

with law, within a period of four week thereafter. This order came to be passed on 17.05.2018. Pursuant to the orders passed by this Court in W.P.No.17730 of 2018, the petitioners therein submitted their application, to which the petitioner also submitted their objections. But much prior to the said order ie. on 25.04.2018, another learned Single Judge of this Court directed respondents 1 to 15 herein to stop forthwith construction for establishment of a Gas Station by respondents 16 to 18 in the said premises.

3) From the above, it is clear that the respondents are precluded from establishing a gas unit, by virtue of an interim order and on the other hand there is a final order passed in W.P.No.17730 of 2018, directing the petitioners therein to submit a representation to the Corporation by enclosing all the relevant documents.

4) Sri L.Venkateswara Rao, learned Standing Counsel appearing for the Corporation, on instructions, states that the representation made by the un-official respondents pursuant to the orders passed by this Court in W.P.No.17730 of 2018, was not considered in view of the stay granted by this Court in this writ petition. He further submits that the writ petitioners herein also submitted their objections to the representation made by the un-official respondents. In view of the above, the Standing Counsel for the Corporation would submit that

the un-official respondents have to fulfil not only the objections noted by G.H.M.C. while rejecting the application, but also whether the said unit can be established in a residential area.

5) Having regard to the above, the writ petition is disposed of directing the second respondent, before whom the representation has been made and objections are filed by the writ petitioners herein, shall deal with the matter taking into consideration the objections raised not only by the writ petitioners herein but also by the office of the G.H.M.C., and pass orders in accordance with law after hearing all the concerned, as expeditiously as possible, preferably, within a period of three to four weeks from the date of receipt of a copy of the order.

6) Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed. There shall be no order as to costs.

JUSTICE C. PRAVEEN KUMAR

13.12.2018

Note: Issue C.C. in three days.

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