

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.45034 OF 2018

Date: 12.12.2018

Between:

B.Vasudeva Rao, s/o. Bojjiya, Aged 46 years,
R/o. Plot No.21, Ground Floor, Sri Laxmi Nivas,
Opp: LIC Office, Kummari Street, Srikakulam.

.....Petitioner

and

The State of Andhra Pradesh, rep.by its
Prl.Secretary, Revenue Department,
Secretariat, Velagapudi, Amaravathi,
Guntur district and others.

.....Respondents



The Court made the following:

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.45034 OF 2018

ORDER:

Petitioner claims to be one of the applicants to grant dealership of petroleum retail outlet of Hindustan Petroleum Corporation Limited at 'Pasigedda Mill Junction – Sri Kurmam Junction' in Srikakulam district pursuant to the notification dated 06.09.2010. Petitioner earlier filed W.P.No.334 of 2012. The prayer sought was, "declaring the action of the 1st respondent Corporation in empanelling the 3rd respondent as first candidate for awarding dealership of the retail outlet at Pasigedda Mill Junction to Sri Kurman Junction, Srikakulam district as illegal, arbitrary and unjust". When the Writ Petition was taken up for consideration, liberty was sought on behalf of petitioner to assail the entrustment of the dealership if any made to the 3rd respondent without taking note of the objections raised in that behalf by the Corporation. Though leave was granted, no challenge is made to the entrustment of the dealership to the unofficial respondents. After disposal of the said writ petition, petitioner instituted O.S.No.594 of 2017 in the Court of Principal Junior Civil Judge at Visakhapatnam, praying to grant perpetual injunction restraining the defendant Nos.1 and 2 from awarding dealership. It appears, said suit is pending consideration of the trial Court. Petitioner later submitted representations in the form of objections to the District Supply Officer (DSO), Srikakulam and to the Joint Collector, Srikakulam. Alleging inaction on the said representations, this Writ Petition is filed.

2. A bare perusal of the objections filed before the DSO, Srikakulam and the Joint Collector, Srikakulam, would show that since suit is pending, no action should be taken in granting dealership to unofficial respondents. However, pleadings of last

paragraph of objections dated 14.11.2018 addressed to the DSO itself would show that some kind of inauguration ceremony was performed. The prayer sought in the present writ petition is, 'to declare the proposed action of respondents 2 to 4 in trying to grant retail outlet permission (Form-B) to the 5th respondent without considering the objections as illegal'. However, learned Government Pleader informs the Court that so far Form-B licence is not issued.

3. As noted above, petitioner did not challenge the alleged permission granted to the 5th respondent, though leave was granted to the petitioner in W.P.No.334 of 2012 and petitioner is independently prosecuting civil case against unofficial respondents and the HPCL. In the present Writ Petition, petitioner is now seeking stalling of further proceedings including granting Form-B license flowing out of interse dispute.

4. Even assuming what is contended by petitioner is true, nothing prevented the petitioner to file appropriate application in the pending suit, but petitioner cannot simultaneously prosecute, by clever drafting of pleadings and prayers, in independent proceedings in two different forums on the very same subject matter. Therefore, Writ Petition is liable to be dismissed and is accordingly dismissed. Pending miscellaneous petitions shall stand closed.

JUSTICE P.NAVEEN RAO

Date: 12.12.2018
kkm

HONOURABLE SRI JUSTICE P.NAVEEN RAO



WRIT PETITION NO.45034 OF 2018

Date: 12.12.2018

kkm