

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 26656 of 2019

ORDER:

In this Writ Petition, petitioner prays for declaring the action of the respondents in granting permission for setting up of petrol pump (retail outlet) to the application No. 15473020987890, Group-I Category, on State High Way 2 (on Miryalaguda Bypass), near Culvert No.58/2, Nalgonda District, as illegal, arbitrary and contrary to the Indian Road Congress (IRC) Guidelines Circular No. IRC: 12-2009 and IRC: 12-2016 and consequently, direct them to stop the sanction of proposed Petrol Pump (Retail outlet) with respect to the above said application.

It is the case of the petitioner that he is one of the applicants for setting up of a petroleum retail outlet under Group-I Category on State Highway-2 on Miryalaguda Bypass; that the application of one Medepally Keshava Rao is being considered in violation of Guidelines of IRC 12-2016 and that he submitted a representation to the Chief Regional Manager of Hindustan Petroleum Corporation Limited, Warangal, on 11.07.2019 stating the manner in which the application of the said Keshava Rao becomes ineligible.

Learned counsel for the petitioner submits that the issue raised in the present Writ Petition is squarely covered by the order dated 18.11.2019 passed by this Court in Writ Petition No. 25247 of 2019. The said order is placed on record.

Learned Standing Counsel for Hindustan Petroleum Corporation Limited appearing for respondent Nos.2 and 3 by placing reliance upon the order dated 29.07.2010 passed by the Division Bench of Punjab & Haryana High Court in Writ – C.No.43483 of 2010 submits that in the said order, the Division Bench of Punjab & Haryana High Court held that no writ would lie for enforcement of IRC Guidelines, as, they are not statutory in nature.

It is to be noted that this is not a case where any enquiry is required to be conducted by this Court at this stage as to whether IRC Guidelines are statutory or otherwise. As the respondent Corporation does not dispute the aforesaid guidelines, it is for the respondent Corporation to take the aid of IRC Guidelines as one of the criteria, while selecting the applicants for establishment of petroleum retail outlets.

In those circumstances, this Writ Petition is disposed of with the direction to the respondent Corporation to take into

consideration the parameters laid down in IRC Guidelines, and the aspects, which the petitioner brought to their notice vide letter dated 10.07.2019, before granting permission to the applicants for establishment of petroleum retail outlets.

Miscellaneous Petitions, if any pending, shall stand disposed of. There shall be no order as to costs.

CHALLA KODANDA RAM, J

3rd DECEMBER, 2019.

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