

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.28721 OF 2019

DATED : 30.12.2019

Between :

M. Naga Raju S/o.M.Narsaiya,
Aged 31 yrs, Occu : Business,
R/o.H.No.12-1-882/B/1,
Asif Nagar, Hyderabad & another.

..... Petitioners

And

The State of Telangana,
rep. by its Principal Secretary,
Municipal Administration and
Urban Development Department,
Secretariat, Hyderabad & others.

.....Respondents



The Court made the following:

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ORDER :

Heard learned counsel for the petitioners, learned Government Pleader for Municipal Administration for respondent No.1, learned Government Pleader for Home for respondent Nos.6 to 10, Sri N. Ashok Kumar, learned Standing counsel for respondent Nos.2 to 5, Sri N.Rajeswara Rao, learned Assistant Solicitor General, for respondent Nos.11 to 14 and learned Government Pleader for Roads & Buildings for respondent No.15.

2. According to petitioners, in the neighbouring premises bearing H.No.12-2-877, Asif Nagar, Hyderabad, owned by the 18th respondent, some digging and cleaning activity is taking place and on enquiry, they came to know that respondents 16 and 17 are taking steps to establish petroleum retail outlet to sell petroleum products-MS (Petrol), HSD (Diesel) Lubricants and Auto LPG. Having come to know of such steps being made by respondents 16 and 17, petitioners filed objections to various authorities, alleging that no such outlet can be established, as it would be causing danger to their properties. According to petitioners, their house is located beside the subject premises, on which petroleum retail outlet is proposed to be established.

3. Learned Counsel for the petitioners, made elaborate submissions in support of her contention that without obtaining No Objection from the neighbours and without considering their objections, No Objection Certificate cannot be issued, whereas, steps are being taken to grant No Objection Certificate. She

referred to the orders of Government, notified vide G.O.Ms.No.33, Municipal Administration & Urban Development (I1)dated 24.01.2013, which deals with metropolitan development plan-2031 for Hyderabad Metropolitan Region and notified Zoning Development Promotion Regulations. She also placed reliance on the Circular instructions issued by the Commissioner of Police, which refers to the Circular Memo, dated 06.07.2006, whereunder, one of the requirements for the Police to issue No Objection Certificate is to obtain No Objection from the neighbours, but so far, the same is not obtained.

4. The grant of licence to establish petroleum retail outlet is regulated by the Petroleum Act, 1934 (for short 'the Act') and the Rules made thereunder. One of the primary requirements to process the application for establishment of petroleum retail outlet is to obtain No Objection Certificate from the District Authority under Rule 144 of the Petroleum Rules, 2002. The District Authority is the Collector, who has to process the application for grant of No Objection Certificate and to issue NOC, on due verification of parameters fulfilled by the applicant and invariably such authority obtains no objection certificate from the Fire authorities, Police department, Municipal Administration Department etc. The issue of NOC is yet to be finalized and so far no such certificate is issued. Therefore, what is contended by learned counsel for the petitioners is only an apprehension. Petitioners apprehend granting of NOC, even before the objections filed by them are considered. It cannot be expected that the competent authority would ignore the statutory provisions, guidelines and circular instructions which regulate issuance of

NOC, ultimately leading to establishment of petroleum retail outlet, to entertain the writ petition, even before such certificate is issued, as agitated in the writ petition and as contended by learned counsel for the petitioners. Thus, the Court is not inclined to entertain the writ petition.

5. Accordingly, the Writ Petition is dismissed, leaving it open to the petitioners to work out their remedies, as and when NOC is issued without following the due procedure. Pending miscellaneous petitions, if any, shall stand closed.

30th December, 2019

P.NAVEEN RAO,J

Note :

Issue c.c. in one week.
B/o.
Rds

