

THE HON'BLE SRI JUSTICE T. VINOD KUMAR

WRIT PETITION No.23001 OF 2016

ORDER:

This writ petition is filed to declare the action of the respondents 1 to 7 in not initiating appropriate action against the 8th respondent who is permitting the illegal installation of CNG Gas Dispensing Station in contravention of various laws including the Gas Cylinder Rules, 2004 in the premises of burial ground/government land occupied by him in a manner hazardous to general public, as illegal and arbitrary.

2. Heard Sri N. Naveen Kumar, learned counsel appearing for the petitioners and the Assistant Government Pleaders for Home & Revenue and the Assistant Solicitor General appearing for 6th respondent-Central Government.

3. When the matter came up for hearing on 14.07.2016, it was directed to be posted to 18.07.2016 along with connected Writ Petition No.20998 of 2016. Thereafter, the matter stood adjourned from time to time. However, during the month of October 2019, mention was made before this Court for taking up the matter, since the 8th respondent suddenly started construction activities at the disputed site, the matter is listed for hearing.

4. This Court by order dated 30.10.2019 in IA No.1 of 2019 impleaded the proposed party respondents as respondents 9 and 10 in the writ petition. Pursuant to the

orders of this Court dated 30.10.2019 in the main writ petition, the 5th respondent-Tahsildar, Saidabad Mandal was present and through the Assistant Government Pleader for Revenue handed over three photographs, which were taken on 29.10.2019 and also produced before this Court a plan showing the land which is a government land as per the LGC order and submitted that this land, which is marked as government land in the plan, has been fenced. This Court taking note of the photographs and plan placed before this Court, dispensed with the presence of 5th respondent and posted the matter to 05.11.2019.

5. On 05.11.2019, this Court ordered notice to the 8th respondent and directed the 10th respondent-Station House Officer, Saidabad Police Station to visit the CNG Gas Filling Station being put up adjacent to Errakunta Smashanavatika, abutting the Santhoshnagar Main Road and verify as to whether the fencing made by the revenue authorities is intact or has been tampered with. This Court further directed that the 10th respondent shall also obtain copies of the permissions on the basis of which the said Gas Filling Station is being put up from the respective owners/in-charge of the said establishment and also note the activities that are being carried on and furnish all the documents along with a report before this Court by 07.11.2019.

6. In pursuance to the above direction of this Court, the 10th respondent has filed a report into this Court wherein it is stated that he visited the site in which the proposed CNG Gas Filling Station is come up along with 5th respondent-Tahsildar for verification. During the visit of 10th respondent along with 5th respondent, it was noticed that the Government land, which was earlier demarcated and fenced as taken note by this Court by order dated 30.10.2019, has been trespassed by the 8th respondent to an extent of 49.5 square yards on western side and there has been difference in the demarcation done by the revenue authorities. It is further stated that the land that has been trespassed into has been re-fenced by the revenue authorities. The 10th respondent submitted the following copies of documents along with his report:

- i) Provisional Fire No Objection Certificate dated 08.04.2013 issued by the Commissioner, Greater Hyderabad Municipal Corporation (GHMC), Hyderabad.
- ii) Grant of approval letter issued by the Deputy Chief Controller of Explosives.
- iii) No Objection Certificate dated 14.12.2013 issued by the Commissioner of Police, Hyderabad City.
- iv) Provisional Trade License issued by the Commissioner, GHMC, Hyderabad.

7. It is stated by the 10th respondent-Station House Officer that after completion of verification, the 5th respondent-Tahsildar has lodged a complaint stating that the 8th respondent has trespassed into the government land to the

extent of 50 square yards, based on which he registered a case in Crime No.397 of 2019 for the offences punishable under Sections 447 and 427 of the Indian Penal Code, 1860 and taken up investigation.

8. Since the allegation in the writ petition that the 8th respondent is carrying on installation of CNG Gas Filling Station in contravention of the various laws and also without having due permissions, which on the basis of the report submitted by the 10th respondent and the documents furnished therewith appears to be without any basis, as indicated herein above, the relief sought for by the petitioners cannot be granted.

9. However, granting liberty to the petitioners to question the approvals granted by the respective parties before the appropriate forum, this Court is of the view that no relief can be granted to the petitioners and the writ petition is liable to be dismissed.

10. Accordingly, the writ petition is dismissed. However, there shall be no order as to costs.

11. As a sequel thereto, Miscellaneous Applications, if any, pending in this writ petition shall stand closed.

T. VINOD KUMAR, J

Date: 07.11.2019

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