

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.1146 OF 2020

ORDER:

This writ petition is filed seeking the following relief:

“..to issue an appropriate writ, direction or order, more particularly one in the nature of the Writ of Mandamus, declaring the action of respondent authorities in not rejecting the application of unofficial respondent for establishing and running retail outlet in S.No.1317, Prashanth Nagar, Siddipet Municipality, Siddipet District by considering the petitioner's representation dated 02.01.2020 as arbitrary, illegal, against principles of natural justice and in contrary to advertisement dated 11.10.2014 of the sixth respondent and the guidelines of Dealers for Regular and Rural Retail Outlets, 2014 and consequently direct the respondent authorities to reject the application of unofficial respondent by considering the petitioner's representation dated 02.01.2020 and the conditions in their notification dated 11.10.2014 and the guidelines of Dealers for Regular and Rural Retail Outlets, 2014 and pass such other order or orders as this Hon'ble court may deem fit and proper in the circumstances of the case.”

Heard learned counsel for the parties.

It has been contended by the petitioner that the 7th respondent does not have standards for grant of retail outlet, as admittedly the 7th respondent is not having requisite land as per the specifications mentioned in the notification dated 11.10.2014.

Counsel for the petitioner had contended that in spite of the 7th respondent not fulfilling the conditions specified in the said

notification, the 5th respondent issued letter of intent in favour of the 7th respondent and entered into dealership agreement with the 7th respondent. Challenging the same, the present writ petition is filed.

Counsel for the petitioner had contended that the petitioner could not apply for grant of retail outlet as admittedly in the subject premises, no land as per the specifications was available, and the action of the 5th respondent in issuing letter of intent and also entering into dealership agreement in favour of the 7th respondent in spite of the 7th respondent not having requisite land as per the specifications, is illegal. Therefore, counsel for the petitioner contended that appropriate orders be passed in the writ petition directing the 5th respondent to re-examine the case of the petitioner and pass appropriate orders on the representation submitted by the petitioner.

Counsel appearing for the 5th respondent had contended that if only the petitioner submits a representation afresh, the 5th respondent would consider the same and pass appropriate orders in accordance with law.

This Court, having considered the submissions of learned counsel for respective parties, is of the considered view that this writ petition can be disposed of directing the petitioner to submit a fresh representation to the 5th respondent for grant of retail outlet, within a period of two weeks from the date of receipt of a copy of this order. Upon such a representation being received, the 5th respondent shall

consider the same and pass appropriate orders, in accordance with law, in another eight weeks thereafter.

With the above directions, the writ petition is disposed of. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

4th February, 2020
v v

