IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)

MONDAY,THE FIFTEENTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE B.VIJAYSEN REDDY

WRIT PETITION NO: 25017 OF 2025

Between:

M/s. Venkateshwara H.P.Gas Agency, Kadipikonda Village, Kazipet Mandal Hanumakonda District, Rep.by the Proprietor R.Srikanth, S/o R.Sadanandam, Aged 41 yrs., Occ. Business R/o H.No.1-7-1344, Advocates Colony Hanumakonda.

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary, Municipal Administration and Urban Development Department, Telangana Secretariat, Hyderabad.
2. The Kakatiya Urban Development Authority, Rep. by its Vice Chairman, KUDA, Hanumakonda.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of a WRIT OF MANDAMUS, declaring the action of the 2nd Respondent in rejecting the application made by the Writ Petitioner vide online application MICO300618141775, dated 03.05.2025 through TSiPASS for Construction of Gas Godown in Sy.No.394/B2, ad-measuring 1416.4 Sq.Yards, situated at Kadipikonda Village, Kazipet Mandal of Hanumakonda District is illegal, arbitrary and consequently direct the 2nd Respondent to consider the representation dated 17.07.2025 and grant construction permission for Construction of Gas Godown in Sy.No.394/B2, ad-measuring 1416.4 Sq.Yards, situated at Kadipikonda Village, Kazipet Mandal of Hanumakonda District

IA NO: 1 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the 2nd Respondent to consider the application made by the Writ Petitioner vide online application MICO300618141775, dated 03.05.2025 through TSiPASS by granting permission for Construction of Gas Godown in Sy.No.394/B2, ad-measuring 1416.4 Sq.Yards, situated at Kadipikonda Village, Kazipet Mandal of Hanumakonda District

Counsel for the Petitioner: SRI. J. VENKATESWARA REDDY

Counsel for the Respondent No.1 : GP FOR MUNICIPAL ADMINISTRATION AND URBAN DEVELOPMENT

Counsel for the Respondent No.2: SRI SAIFULLA BIAG, SC FOR KUDA

The Court made the following: ORDER

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

HONOURABLE SRI JUSTICE B. VIJAYSEN REDDY

WRIT PETITION No.25017 OF 2025

DATE OF ORDER: 15.12.2025

Between:

M/s. Venkateshwara H.P. Gas Agency

...Petitioner

AND

The State of Telangana
Represented by its Principal Secretary
Municipal Administration & Urban Development,
Secretariat, Hyderabad and another

...Respondents

ORDER : (ORAL)

This writ petition is filed by the petitioner seeking to declare the action of respondent No.2 in rejecting its application *vide* online application No.MIC030061841775 dated 03.05.2025 submitted through TG-iPASS for construction of gas godown in the land admeasuring 1416.4 square yards in Survey No.394/B2, situated at Kadipikonda Village, Kazipet Mandal, Hanumakonda District, as being illegal, arbitrary and unconstitutional, and consequently, direct respondent No.2 to consider the representation of the petitioner dated 17.07.2025 for grant of building permission for construction of gas godown in the subject property.

2. Heard Mr. J.Venkateshwara Reddy, learned counsel for the petitioner; Mr. Saifulla Baig, learned Standing Counsel for KUDA (Kakatiya Urban Development Authority), appearing for respondent No.2; and perused the material on record.

3. It is the case of the petitioner that in 2013, the Hindustan Petroleum Corporation Limited, (for short 'HPCL'), issued News Paper Advertisement on 15.09.2013 inviting applications for appointment of LPG Distributorship at various places including at Kazipet, Hanumakonda District (previously Warangal District) under Open Category. The petitioner made application on 18.11.2013, and upon verification of the documents and considering its eligibility, the petitioner was appointed as HPCL LPG Distributor for its gas outlet at Kazipet, Hanumakonda District. However, HPCL for various reasons best known did not initiate steps to process and finalize the awarding of the distributorship till 2022. The HPCL issued call letters to all the eligible candidates who are eligible in accordance with the Dealer Selection Guidelines, 2013 (for short 'Guidelines 2013') who are eligible for drawal of lots of selection of LPG Distributors and in the said drawal, one Mr. Punnama Chander Pulyala was successful candidate, and therefore the HPCL issued letter for depositing refundable security

amount of Rs.25,000/- (Rupees twenty five thousand only). However, on further verification of the land offered by Mr. Punnama Chandar, it was found that the land was not meeting the minimum required dimensions of 25 x 30 meters and his application was rejected as per the Guidelines 2013. The said rejection was challenged by Mr. Punnama Chandar in W.P. No.9511 of 2023 before this Court and the order dated 12.03.2024 was passed dismissing the said writ petition. It is submitted that that the HPCL conducted a re-drawal on 19.04.2023 and the petitioner was declared as successful applicant and the same was communicated to the petitioner by the HPCL through letter *vide* Ref. No.HLRO/MG/PM, dated 21.04.2023. Pursuant thereto, the petitioner deposited Rs.25,000/- through Demand Draft and also submitted all the necessary documents as per the conditions mentioned in the application. The HPCL verified the documents submitted by the petitioner and issued Letter Of Intent (LOI) *vide* proceedings in Ref. No.HLRO/MG/MSR, dated 12.03.2025, for establishment of LPG Distributorship outlet at Kazipet on certain conditions.

4. It is further submitted that the petitioner is the owner and possessor of land admeasuring Acs.0-14 guntas in Survey No.394/B2, situated at Kadipikonda Village, Kazipet Mandal, Hanumakonda District having

purchased the same under registered sale deed bearing document No.16752 of 2016 dated 30.11.2016 from its previous owner by name Mr. Kusuma Satesh. The said plot is facing 40 feet Master Plan Road and the petitioner intended to construct LPG Godown in the said plot and applied for construction of LPG godown pursuant to its distributorship issued by the HPCL. As the land is classified as agricultural land, the petitioner got it converted from agricultural land to non-agricultural land *vide* proceedings No.2400420205 dated 05.07.2024 issued by the Tahasildar, Kazipet. That the petitioner made an application to the Greater Warangal Municipal Corporation (GWMC) under Layout Regularization Scheme, 2020 (LRS) and permission was granted by the GWMC *vide* proceedings No.C/GWMC/0566589/2020 dated 25.03.2025. The petitioner also obtained permission from the Petroleum and Explosives Safety Organization (PESCO) *vide* proceedings No.A/G/SH/ TG/06/728(G49076) dated 15.04.2025 for approval of construction of LPG Cylinder Storage. Subsequently, on application of the petitioner, the GWMC granted No Objection Certificate (NOC) for proposed construction of LPG Cylinder Godown *vide* proceedings in Rc.No.HO/GWMC/DFO/E-146423/2025 dated 26.05.2025. The petitioner paid development charges to respondent No.2 through demand draft *vide* D.D. No.545248 dated 26.05.2025

5. Learned counsel for the petitioner submitted that after receipt of the LOI dated 12.03.2025, the petitioner submitted application through TS-iPASS dated 03.05.2025 seeking permission for construction of LPG Godown in the subject property and the petitioner uploaded all necessary documents along with the application including the NOC issued by the GWMC and the permission issued by the PESCO. That recently, the petitioner came to know that respondent No.2 rejected its application on 18.06.2025, stating "*the applicant has without upload the NOCs and Road Effected Area Documents, Payment of Development Charges, may not be considered*". The action of respondent No.2 in rejecting the application of the petitioner without verifying the documents submitted, is illegal and arbitrary and the same is in violation of principles of natural justice. As such, the petitioner is constrained to approach this Court.

6. In the counter affidavit filed by respondent No.2, it is stated that the proposals of the petitioner in TS-iPASS have been examined and it was observed that the petitioner has shown 40 feet road as approach road to the Gas Godown in the plan. But whereas the respondent authorities approved the layouts with existing 60 feet road to be widened to 100 feet road which is leading from Kadipikonda Village to Tharalapalli Village. The proposed site is opposite to the Surya Kuteer layout which was

approved by KUDA showing as 100 feet approach road through D.P. Nos.59/2019 and 27/2022. Further, the GWMC has also approved two (2) layouts and one (1) is under process showing the road as 100 feet road. As such, the petitioner was informed shortfall on 18.06.2025 stating that the approach road has to be widened from 60 feet to 100 feet road. The following are the details of the layouts sanctioned by the KUDA and GWMC:

Sl. No.	Name of the Layout	Extent in Acs-Gts	Width of Approach road	Proposed/ Approved
1.	Surya Agritech	84- 14	100 feet	Approved
2.	Surya Agritech	7-24	100 feet	Approved
3.	Modern Structures and Developers	6-07	100 feet	Approved
4.	M/s. Dhatri Infra Developers	3-06	100 feet	Approved
5.	Sri Tirumala Developers	14-30	100 feet	Under process

7. It is further submitted that as the existing village road is 60 feet, the petitioner has shown it as 40 feet road in the proposed plan, the petitioner is required to submit revised plans showing the road effected area as 100 feet road to examine the proposals in the matter. Further, the developments along/abutting the said road are coming up as per 100 feet wide road and the petitioner has shown the same as 100 feet road and if building permission is granted with 40 feet road, it will be a bottle neck in the alignment of Road/Right of way.

8. Learned counsel for the petitioner submitted that the impugned rejection letter dated 18.06.2025 is illegal, arbitrary and contrary to the law laid down by this Court in W.P. No.358 of 2024. The existing road is 40 feet and not 60 feet as alleged by respondent No.2. However, if it is 60 feet, the petitioner would submit revised plan but respondent No.2 cannot insist the petitioner to leave the width of 100 feet as per the master plan. That merely because neighbouring layouts are sanctioned with 100 feet road, the same road width cannot be imposed on the petitioner. The land of the petitioner is a small extent admeasuring 1416.4 square yards and moreover, the master plan is not implemented.

9. On the other hand, learned Standing Counsel for respondent No.2 submitted that the same road alignment/pattern has to be maintained abutting the site of the petitioner as the surrounding layouts have 100 feet road access as per the master plan. Thus, if the petitioner is granted permission for construction of LPG outlet, it will be a bottle neck for free movement of vehicles.

10. Learned Standing Counsel furnished Google maps and copies of layouts of Surya Agritech *vide* KUDA D.P. No.59/2019 and KUDA D.P. No.27/2022. The two (2) layouts show '100 feet proposed road as

per the master plan 2041'. The case of the respondents is that the existing road width abutting the subject property of the petitioner is 100 feet. As seen from the paragraph No.9 of the counter affidavit, existing road is 60 feet and not 40 feet as shown by the petitioner in his application. Merely because the other layout owners have left the road setback by showing 100 feet proposed master plan, such condition cannot be imposed on the petitioner.

11. This Court in W.P. No.358 of 2024 dated 08.01.2024 held as under:

> "...
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> 9. This Court, in WP.No.29024 of 2023, dt.17.10.2023, took note of the dicta laid down by the erstwhile High Court of A.P. in G.Usha Rani vs State Of Andhra Pradesh, wherein it has been held as under:
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> > "It is incumbent on the part of the respondents to initiate proceedings under Section 18 of the AP Urban Areas (Development) Act, 1975 in accordance with the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 for acquisition of the land of the petitioner for road widening and pay compensation to the petitioner. If not, the petitioner would be deprived of her valuable property without compensation."
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> 10. This Court in WP.No.29024 of 2023 further observed that even if the master plan is notified, the authorities cannot seek to deny grant of permission, unless the property is being shown as open area in the master plan.
>
> 11. In the present case, since it is not shown to this Court of the respondents-authorities initiating any steps to acquire the

land of the petitioner being shown as covered by Master Plan 100 feet road, the respondents-authorities cannot deprive the petitioner of enjoyment of her valuable property by making construction therein, by refusing to grant building permission.

..."

12. In view of the above order, unless the subject property of the petitioner is acquired for the proposed road widening (as per master plan), the respondent authorities cannot insist the petitioner to leave 100 feet road width as a precondition for sanctioning permission. However, it needs to be noted that the petitioner claimed width of the road abutting the subject property is 40 feet whereas according to the respondents, it is 60 feet. Thus, it is needless to state that the petitioner needs to make revised building application if the existing road width is 60 feet. The actual width of the road shall be properly verified by the authorities with reference to the relevant documents and site inspection, and by furnishing details of the same to the petitioner and affording opportunity of hearing to him.

13. In view of the above observations, this writ petition is allowed. Respondent No.2 is directed to consider the application of the petitioner without insisting him to leave the road affected area as per the master plan, within a period of twenty one (21) days from the date of receipt of a copy of this order. There shall be no order as to costs.

As a sequel thereto, miscellaneous applications, if any, pending in this writ petition shall stand closed.

SD/-P. PONNA KRISHNA
ASSISTANT REGISTRAR

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SECTION OFFICER

To,

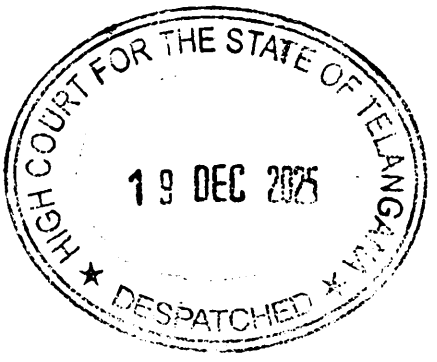
1. The Principal Secretary, Municipal Administration and Urban Development Department, Telangana Secretariat, T.S.,Hyderabad.
2. The Vice Chairman, Kakatiya Urban Development Authority, KUDA, Hanumakonda.
3. One CC to SRI. J. VENKATESWARA REDDY, Advocate [OPUC]
4. Two CCs to GP FOR MUNICIPAL ADMINISTRATION AND URBAN DEVELOPMENT ,High Court for the State of Telangana, at Hyderabad [OUT]
5. One CC to SRI. SAIFULLA BAIG, SC FOR KUDA [OPUC]
6. Two CD Copies

B M
GJP

CC TODAY

HIGH COURT

DATED:15/12/2025



ORDER

WP.No.25017 of 2025

ALLOWING THE WRIT PETITION WITHOUT COSTS

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ASM
19/12/25