



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3459]

FRIDAY, THE SEVENTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SMT JUSTICE SUMATHI JAGADAM

WRIT PETITION NO: 30990/2024

Between:

1. PULLAGURA PRAMEELA RANI, W/O P. KRISHNUDU, AGED 44 YEARS, OCC. HOUSEWIFE, R/O D.NO.4-7, SINGARAJUPALLI, KOTHAPALLI MANDAL, MUSALIMADUGU, KURNOOL DISTRICT, ANDHRA PRADESH.

...PETITIONER

AND

1. HINDUSTAN PETROLUUM CORPORATION LTD, REP BY THE CHAIRMAN AND MANAGING DIRECTOR PETROLEUM HOUSE 17, JAMSHEDJI TATA ROAD, MUMBAI, MAHARASHTRA - 400020.

2. THE HEAD OF REGIONAL MANAGER, HINDUSTAN PETROLEUM CORPORATION LTD, KADAPA REGIONAL CORPORATION OFFICE, 2ND FLOOR, CHENGALVA TOWERS, APSARA-RTC BUS STAND ROAD, NGO COLONY, KADAPA-516002.

3. EDIGA LINGSWAMY GOUD, S/O EDIGAANKANNA, AGED. MAJOR, OCC. BUSINESS R/O SIVAPURAM VILLAGE, KOTTAPALLI MANDAL, NANDYAL DISTRICT, ANDHRA PRADESH-518422

...RESPONDENT(S):

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 in the nature of Writ of Mandamus or any other appropriate writ, declaring the action of the 1st and 2nd Respondents in allotting the RO dealership at Sy. No.468, bearing

serialNo.518 located at Sivapuram Village of KothapalliMandal,onSivapuram to Gummadapuram road, Nandyal district, Andhra Pradesh, under the OBC category, which was advertised on 28.06.2023, to the 3rd Respondent as illegal, arbitrary and in violation of the terms of the contract/notification/advertisement dated 28.06.2023 and consequently direct the 1st and 2nd Respondents to terminate the RO dealership at Sy. No.468, bearing serial No.518, under the OBC category allotted to the 3rd Respondent allot the RO dealership at Sy. No.468, bearing serial No.518, to the petitioner herein

IA No.1 OF 2024

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 1st and 2nd Respondents to immediately stop the construction of RO dealership 950 meters away from Sivapuram at Sy. No.414A, 415A, towardsMittamidilingapuram road by the 3rd Respondent

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 vacate the interim orders passed in IA.No.1 of 2024 in WP No.30990 of 2024, dated 28-12-2024 and dismiss the above writ petition

IA No.2 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 vacate the interim order dt: 28.12.2024 granted in W.P. No.30990 of 2024 and dismiss the Writ Petition as devoid of merits

IA No.3 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 appoint an Advocate Commissioner for verification of the site of 3rd Respondent in a Sivapuram Village, Kothapalli Mandal, Nandyal District and submit the reports before this Hon'ble Court

Counsel for the Petitioner:

1. LAKSHMIKANTH REDDY DESAI

Counsel for the Respondent(S):

- 1.SREEKANTH REDDY AMBATI
- 2.VENKATA DURGA RAO ANANTHA

WRIT PETITION No.15993/2025

Between:

- 1.EDIGA LINGASWAMY GOUD, S/O EDIGA ANKANNA,R/O SIVAPURAM VILLAGE, KOTTAPALLI MANDAL, NANDYAL DISTRICT ANDHRA PRADESH -518422.

...PETITIONER

AND

- 1.HINDUSTAN PETROLEUM CORPORATION LTD, REP.BY THE CHAIRMAN AND MANAGING DIRECTOR, PETROLEUM HOUSE 17, JAMSHEDJI TATA ROAD, MUMBAI, MAHARASHTRA - 400020.
- 2.THE HEAD OF REGIONAL MANAGER, HINDUSTAN PETROLEUM CORPORATION LTD., KADAPA REGIONAL CORPORATION OFFICE, 2ND FLOOR, CHENGALAVA TOWERS, APSARA - RTC BUS STAND ROAD, NGO COLONY, KADAPA - 516002
- 3.THE SENIOR REGIONAL MANAGER RETAIL AND DULY CONSTITUTED ATTORNEY, HINDUSTAN PETROLEUM CORPORATION LTD., TIRUPATI ROAD, KADAPA
- 4.SMT PULLAGURA PRAMEELA RANI, W/O P. KRISHNUDU, AGED ABOUT 44 YEARS OCCHOUSE WIFE, R/O D.NO. 4-7, SINGARAJUPALLI, KOTHAPALLI MANDAL, MUSALIMADUGU, KURNOOL DISTRICT

...RESPONDENT(S):

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 WRIT OF MANDAMUS, declaring the action of Respondent No.3 in issuing letter dated 13.06.2025 bearing Ref. KRO.RET directing the Petitioner the construction activities cannot be resumed as illegal, arbitrary, and violative of the principles of natural justice, set aside same and consequently direct the Respondents Nos.1 to 3 to forthwith grant permission to the petitioner to

resume and complete the construction of the retail outlet dealership at Sivapuram Village, Kothapalli Mandal, on Sivapuram-Gummadapuram Road, Nandyal District as per the Notification dated 28.06.2023.

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 Respondents Nos.1 to 3 to forthwith grant permission to the petitioner to resume and complete the construction of the retail outlet dealership at Sivapuram Village, Kothapalli Mandal, on Sivapuram-Gummadapuram Road, Nandyal District as per the Notification dated 28.06.2023 pending disposal of the Writ Petition

Counsel for the Petitioner:

1.VENKATA DURGA RAO ANANTHA

Counsel for the Respondent(S):

1.SREEKANTH REDDY AMBATI

2.LAKSHMIKANTH REDDY DESAI

The Court made the following:

COMMON ORDER:

W.P. No.30990 of 2024 is filed by the petitioner seeking the following relief:

“..... issue a writ, order or direction more particularly one in the nature of a writ of “Mandamus”, declaring the action of the 1st & 2nd Respondents in allotting the RO dealership at Sy.No.468, bearing serial no.518 located at Sivapuram Village of Kothapalli Mandal on Sivapuram to Gummadapuram road, Nandyal district, Andhra Pradesh, under the OBC category which was advertised on 28.06.2013, to the 3rd Respondent as illegal, arbitrary and in violation of the terms of the contract/notification/advertisement dated 28.06.2023 and consequently direct the i. 1st & 2nd Respondents to terminate the RO dealership at Sy. No.468, bearing serial no.518, under the OBC category allotted to the 3rd Respondent ii. Allot the RO dealership at Sy. No.468, bearing serial no. 518, to the petitioner herein and pass”

2. W.P. No.15993 of 2025 is filed by the petitioner seeking the following relief:

“..... issue a Writ, order or direction, more particularly one in the nature of a WRIT OF MANDAMUS, declaring the action of the Respondent No. 3 in issuing letter dated 13.06.2025 bearing Ref. KRO::RET directing the Petitioner the construction activities cannot be resumed as illegal, arbitrary, and violative of the principles of natural justice; set aside same and consequently Direct the Respondents Nos. 1 to 3 to forthwith grant permission to the Petitioner to resume and complete the construction of the retail outlet dealership at Sivapuram Village, Kothapalli Mandal, on Sivapuram-Gummadapuram Road, Nandyal District as per the Notification dated 28.06.2023 and pass”

3. The petitioner in W.P. No.30990 of 2024 is the fourth respondent in W.P. No.15993 of 2025, and the petitioner in W.P. No.15993 of 2025 is the third respondent in W.P. No.30990 of 2024. Since both parties in these Writ Petitions have applied for the Notification/Advertisement issued by the second respondent-Corporation, these Writ Petitions are decided together in this common order.

4. The petitioner and the third respondent filed applications for the notification or advertisement issued by the second respondent on 28 June 2023. The bids were opened on 12 December 2023, and the third respondent was selected for the retail outlet dealership at Sivapuram village in Kothapalli Mandal, Sivapuram, near Gummadapuram Road, Nandyal District, Andhra Pradesh. The third respondent, having fulfilled all statutory formalities, commenced construction of the petroleum retail outlet.

5. The petitioner has filed W.P. No.30990 of 2024, alleging that the third respondent is constructing a retail outlet 950 meters from Sivapuram Village towards Mittamidilingapuram, in violation of the Notification dated 28.06.2023.

6. On 28.12.2024, this Court, while directing the first and second respondents to submit a report verifying whether the construction activities comply with the notification requirements, has directed the third respondent to refrain from any further construction.

7. On 15.02.2025, the first and second respondents filed their report, dated 21.01.2025, before this Court.

8. Para Nos.4 and 5 of the findings of the Two Member Committee Report are as follows:

“Mandal Surveyor, Kothapalli Mandal gave a report dated 21.01.2025 stating the said Sy.No. 377 (Sub-divided as Sy. No. 377/2 after the land conversion) falls in Sivapuram Village with boundary towards the South being Road (Sivapuram to Gummadapuram). The same is enclosed as Annexure-8.

The Committee, upon physical survey and verification of documents, is satisfied that the land bearing Sy. No. 377 (sub-division Survey No 377/2 as per land conversion proceedings bearing Rc.No. D/233 /2024 dt. 02.06.2024) falls within the boundaries of Sivapuram Village and is within the advertised stretch.”

9. The first and second respondents, represented by their counsel Sri Srikanth Reddy Ambati, filed a stay vacate application on 15.09.2025. It is submitted that the bids were opened on 12.12.2023, and the third respondent was declared selected. On 15.02.2024, the Regional Office issued a Letter of Intent in favor of the third respondent, who is the petitioner in W.P. No.15993 of 2025.

10. Furthermore, the Two-Member Committee has verified the title and revenue documents, confirming that the land is adjacent to Sivapuram and Gummadapuram/Mittamidilingapura roads, and is situated within Sivapuram village. On 21.01.2025, the Mandal Surveyor of Kothapalli Mandal reported that Sy.No.377 lies within Sivapuram village, with its southern boundary abutting the Sivapuram and Gummadapuram roads. The Surveyor also stated that the details provided by the LOI holder are consistent with the advertisement. Additionally, a representation was made by the third respondent on 09.06.2025, requesting permission to proceed with further construction.

11. Sri Venkata Durga Rao Anantha, the learned counsel representing the third respondent, argues that the notification explicitly specified at Sl.No. 518 the location as Sivapuram Village in Kothapalli Mandal, on the Sivapuram to Gummadapuram road in Nandyal District, and did not mention Sy.No. 468. He further asserts that the petitioner secured the necessary permissions to establish a petrol retail outlet in Sy.No.377, which was later subdivided into Sy.No.377/2, covering 0.22 acres in Sivapuram Village, Kothapalli Mandal. The Mandal Deputy Surveyor of Kothapalli issued a letter to the Senior Regional Manager-Retail and the duly constituted attorney, Kadapa Retail RO, confirming that the land is located in Sivapuram Revenue Village, Kothapalli

Mandal, and has been designated as Non-Agricultural Land under the Assessment Act, evidenced by challan number NLCR25020504624 and proceedings 18850/LC/2025 from the Revenue Divisional Officer dated 22.02.2025. Accordingly, there is no issue with deviating from the notification, and he has requested the vacation of the *interim* order.

12. The petitioner, dissatisfied with the Two-Member Committee Report, filed I.A. No.3 of 2025 seeking the appointment of an Advocate Commissioner. On 17.10.2025, this Court allowed the I.A. and appointed Sri A. Rajendra Babu as Advocate Commissioner. On 04.11.2025, the Advocate Commissioner submitted his report before the Registry, stating that the R&B Road runs from Atmakur to Sangameswaram, passing through various villages including Nandikunta, Bhavapuram, Kothapalli, M. Lingapuram, Sivapuram, Singarajupalli, Gummadapuram, and finally Sangameswaram. Both sites are located adjacent to the R&B main road: Sy. No.377, belonging to the third respondent, is on the east side, and Sy. No.468, belonging to the petitioner, is on the west side of the R&B main road after crossing Sivapuram revenue village. The land at Sivapuram is situated on both sides of the village—Kothapalli to Sivapuram—with Sy.No.468, belonging to the petitioner, located on the west side of the R&B main road after crossing Sivapuram.

13. This Court has examined the report filed by the learned Advocate Commissioner, the report submitted by the Two Member Committee, and the counter-affidavit filed by the second and third respondents, and it concludes that Sivapuram is the revenue village located at Atmakur to Sangameswaram R&B road.

14. The green line in the topography filed by the learned Advocate Commissioner indicates the R&B road from Kothapalli to Gummadapuram. The sections Sy.No.377 is marked in orange, and Sy.468 is marked in pink, situated on either side of the road. Based on reports from the Two-Member Committee and the Advocate Commissioner, the third respondent is

conducting construction activities in accordance with the notification issued by the second respondent, and no deviations were found.

15. Therefore, the *interim* order passed by this Court on 28.12.2024 stands vacated by allowing I.A.No.2 of 2025 filed by the first and second respondents. By virtue of the dismissal of Writ Petition No.30990 of 2024, Writ Petition No.15993 of 2025, filed by the third respondent, is allowed. No order as to costs.

As a sequel, miscellaneous applications, pending, if any, shall stand closed.

JUSTICE SUMATHI JAGADAM

Date: 07.11.2025

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THE HONOURABLE SMT JUSTICE SUMATHI JAGADAM

WRIT PETITION Nos: 30990 of 2024 & W.P.No.15993 of 2025

Date:07.11.2025

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