



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 21ST DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE S.VISHWAJITH SHETTY

WRIT PETITION NO. 201495 OF 2026 (GM-RES)

BETWEEN:

SUKHADEV S/O HANAMANTAPPA
AGED ABOUT 38 YEARS
OCC: AGRI AND BUSINESS
R/O H. NO.8-1542/4, MINAM SNGHA ROAD
NEAR POOJARI MATH, BHAVANI NAGAR
KALABURAGI, TQ. AND DIST. KALABURAGI 585104

...PETITIONER

(BY SRI ARUNKUMAR AMARGUNDAPPA, ADVOCATE)

AND:

1. THE MINISTRY OF ROAD TRANSPORT AND
HIGHWAYS
REPRESENTED BY ITS PRINCIPAL SECRETARY
TRANSPORT BHAVAN-1, PARLIAMENT STREET
NEW DELHI 110001
2. THE DEPUTY COMMISSIONER
KALABURAGI, DIST: KALABURAGI-584101
3. THE ASSISTANT COMMISSIONER
KALABURAGI, DIST KALABURAGI-584101

...RESPONDENTS





(BY SRI SUDHIR SINGH R. VIJAPUR, DSGI FOR R1;
SRI MALLIKARJUN SAHUKAR, AGA FOR R2 AND R3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT IN THE NATURE OF MANDAMUS AND GRANT ANY OTHER APPROPRIATE WRIT IN THE FOLLOWING TERMS: A) DIRECT RESPONDENT NO.2 TO ISSUE THE NO OBJECTION CERTIFICATE (NOC) FOR THE ESTABLISHMENT OF A NEW RETAIL OUTLET ON THE LAND BEARING SY NO. 140/*/ 4, MEASURING 00 ACRES 20 GUNTAS SITUATED AT KAPNOOR VILLAGE, KALABURAGI, AS DIRECTED BY THE APPELLATE AUTHORITY IN ITS ORDER DATED 09-10-2025 PRODUCED AT ANNEXURE-E; B) SUCH FURTHER ORDER OTHER RELIEFS BE GRANTED TO THE PETITIONERS TO WHICH THE PETITIONERS WOULD BE FOUND ENTITLED TO ON THE FACTS AND CIRCUMSTANCES OF THE CASE, IN THE INTEREST OF JUSTICE AND EQUITY.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:
CORAM: HON'BLE MR. JUSTICE S.VISHWAJITH SHETTY

ORAL ORDER

Petitioner is before this Court under Articles 226 and 227 of the Constitution of India seeking for the following reliefs:

"a) Direct respondent No.2 to issue the no objection certificate (NOC) for the establishment of a new retail outlet on the land bearing Sy.No.140//4, measuring 00 acres 20 guntas situated at Kapnoor village, Kalaburagi, as directed by the appellate authority in its order dated 09-10-2025 produced at Annexure-E;*



b) Such further order other reliefs be granted to the petitioners to which the petitioners would be found entitled to on the facts and circumstances of the case, in the interest of justice and equity."

2. Heard the learned counsel for the parties.

3. Petitioner who was given an offer by Hindustan Petroleum Corporation Limited for commencing a retail outlet in his property bearing Sy.No.140/*/4 situated at Poojari Chowk, Kapanoor village, Kalaburagi had filed an application before the jurisdictional Deputy Commissioner to issue "no objection certificate" for establishing the retail outlet of the aforesaid company in his property. It appears that respondent No.2 – Deputy Commissioner, on 13.11.2024, had issued an endorsement refusing to issue such "no objection certificate" for the reason that the petitioner's property is situated near a conventional hall. Aggrieved by the same, the petitioner had filed an appeal before the Regional Commissioner who had allowed the said appeal vide Order at Annexure-E dated 09.10.2025 and had directed the Deputy Commissioner to reconsider the petitioner's request for issuing "no objection



certificate". Since, respondent No.2 – Deputy Commissioner has not taken any action pursuant to order at Annexure-E dated 09.10.2025, the petitioner is before this Court.

4. Learned counsel for the petitioner, having reiterated the grounds urged in the writ petition, submits that if the "no objection certificate" is not produced within the requisite time, the offer given by the Company for establishing a retail outlet is likely to be recalled. The Deputy Commissioner has not taken any action pursuant to the order at Annexure-E dated 09.10.2025 though the Regional Commissioner has passed a detailed order setting aside the earlier endorsement issued by the Deputy Commissioner.

5. Learned Additional Government Advocate, who has appeared on behalf of respondent Nos.2 and 3, submits that the Deputy Commissioner is the competent authority to decide about issuance of "no objection



certificate" to the petitioner and therefore, a positive direction as sought for cannot be issued to the Deputy Commissioner. He submits that if some reasonable time is granted, the Deputy Commissioner shall consider the application of the petitioner for issuance of "no objection certificate" in light of the order passed by the Regional Commissioner at Annexure-E dated 09.10.2025.

6. The said submission is placed on record.

7. The Writ Petition is ***disposed of*** directing respondent No.2 – Deputy Commissioner to consider the request of the petitioner for issuance of "no objection certificate" to establish a retail outlet of Hindustan Petroleum Corporation Limited in his property bearing Sy.No.140/*/4 situated at Poojari Chowk, Kapanoor village, Kalaburagi, in the light of the order passed by the jurisdictional Regional Commissioner dated 09.10.2025 vide Annexure-E and pass appropriate orders in accordance with law, as expeditiously as possible, but not



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later than a period of ***one month*** from the date of receipt
of copy of this order.

Sd/-
(S.VISHWAJITH SHETTY)
JUDGE

SWK
List No.: 1 Sl No.: 24