

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

WRIT PETITION No.31158 of 2024

Between:

1.K N V RATNA BABU, S/O LAKSHMI NANCHARAIAH, AGED ABOUT 31 YEARS, R/O H.NO.1-204, KALEKHAN PETA, MACHILIPATNAM, KRISHNA DISTRICT

... PETITIONER

AND

1.UNION OF INDIA, REP BY ITS SECRETARY, MINISTRY OF PETROLEUM AND NATURAL GAS, SASTHRY BHAVAN, NEW DELHI AND 5 OTHERS.

... RESPONDENTS

DATE OF ORDER PRONOUNCED : **17.04.2025**

SUBMITTED FOR APPROVAL:

HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

1. Whether Reporters of Local Newspapers may be allowed to see the order? : Yes/No
2. Whether the copy of order may be marked to Law Reporters/Journals? : Yes/No
3. Whether His Lordship wish to see the fair copy of the order? : Yes/No

JUSTICE SUBBA REDDY SATTI

*** HONOURABLE SRI JUSTICE SUBBA REDDY SATTI**
+ WRIT PETITION No.31158 of 2024

% 17.04.2025

WRIT PETITION No.31158 of 2024

Between:

1.K N V RATNA BABU, S/O LAKSHMI NANCHARAI AH, AGED ABOUT 31 YEARS, R/O H.NO.1-204, KALEKHAN PETA, MACHILIPATNAM, KRISHNA DISTRICT

... PETITIONER

AND

1.UNION OF INDIA, REP BY ITS SECRETARY, MINISTRY OF PETROLEUM AND NATURAL GAS, SASTHRY BHAVAN, NEW DELHI AND 5 OTHERS.

... RESPONDENTS

! Counsel for Petitioner : Sri Subba Rao Korrapati
^ Counsel for Respondents : Sri P.Shreyas Reddy
Learned AGP for Revenue
Sri A.S.C.Bose
Sri N.Ashwani Kumar

< Gist:

> Head Note:

? Cases referred:

- 1) (2017) 9 SCC 340
- 2) (2021) 14 SCC 211 : 2020 SCC OnLine SC 951
- 3) (2000) 7 SCC 552

This Court made the following:

APHC010597662024



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

[3331]

THURSDAY, THE SEVENTEENTH DAY OF APRIL
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

WRIT PETITION NO: 31158/2024

Between:

K N V Ratna Babu

...PETITIONER

AND

Union Of India and Others

...RESPONDENT(S)

Counsel for the Petitioner:

1.SUBBA RAO KORRAPATI

Counsel for the Respondent(S):

1.A S C BOSE

2.A S C BOSE (SC FOR MUNICIPAL CORPORATIONS AP)

3.SHREYAS REDDY

4.ALEKHYA TADASINA(CENTRAL GOVT COUNSEL)

The Court made the following:

ORDER

The above Writ Petition is filed to declare the selection of 7th respondent as Petroleum Filling Station/Retail Outlet dealer for the premises bearing D.No.29/428 of Inagudurupeta, Chintaguntapalem,

Machilipatnam, in pursuance of the notification dated 28.06.2023, and the No Objection Certificate dated 29.11.2024 issued by the 5th respondent, as illegal and arbitrary.

2. a) Averments, in the affidavit, in brief, are that the 2nd respondent issued notification dated 28.06.2023 (Ex.P1) calling applications from the eligible candidates, in the places notified by them for Petroleum Filling Station/Retail Outlets. In the said notification, S.No.303 is in Machilipatnam Municipal Limits, but not on State Highway and National Highway. The 7th respondent applied to the dealership at the land in D.No.29/428 located in NH-216. The petitioner made application to the 2nd respondent under Right to Information Act, however the office of 2nd respondent did not furnish a proper reply. The petitioner came to know that one P.Ruparani made an application to the Executive Engineer, R & B, Machilipatnam on 02.11.2023 requesting to furnish certain information regarding control over the road running from Harsha College to Kalekanpeta (via) Vallandapael, Zilla Parishan Centre, Chilakalpudi Centre etc. The Assistant Engineer, South Section, Machilipatnam-cum-Public Information Officer furnished information vide letter dated 15.11.2023 (Ex.P4), wherein it was mentioned that the said places come under the jurisdiction of National Highway Department.

b) The respondents 2 and 3 selected the 7th respondent at D.No.29/428 for the land in prohibited areas and contrary to the notification dated 28.06.2023. The said P.Ruparani made another application under Right to Information Act to the Project Director, Implementation Unit, Machilipatnam, Ministry of Road, Transport and Highway, Machilipatnam to furnish certain information about notifying the road from Harsha College to Kalekhanpeta as National Highway. The

Project Director vide a letter dated 27.05.2024 (Ex.P5) informed that the road leading to Challapalli from Harsha College is notified as National Highway. The 5th respondent also issued NOC to the 7th respondent dated 29.11.2024 (Ex.P6) for establishment of retail outlet. The other statutory authorities also issued respective NOCs. With these averments, the above writ petition is filed.

3. a) Counter affidavit and vacate stay petition was filed on behalf of respondents 2 and 3. It was contended, *inter alia*, that the 2nd respondent issued notification dated 28.06.2023 for appointment of dealership for retail outlet in various locations in the State of Andhra Pradesh. Serial No.303 of the notification specifies that the location required for the retail outlet to be “Within Machilipatnam Municipal Limited not on SH/NH”. The 7th respondent made an application under Group-I. In the draw of the lots, the 7th respondent was selected on 05.12.2023 and thereafter, letter of intent was issued in favour of 7th respondent on 05.08.2024. The 7th respondent offered his land covered under D.No.29/428, Municipal Ward No.29, Inugudurupeta of Machilipatnam Municipality. The site offered by the 7th respondent falls within Machilipatnam Municipality and it is not adjacent to either to a National Highway of any State Highway.

b) Earlier, another writ petition No.20919 of 2024 was filed, however no interim order was granted. The petitioners are Retail Outlet Dealers from other petroleum corporations and the writ petitions was filed only to thwart competition. The petitioner has no *locus standi* to file the writ petition.

c) The BPCL authorities have provided the location details, Google Map and the geo-coordinates of the location. The BPCL authorities again addressed letter dated 07.05.2024 (Ex.R4) to the Project Director,

PIU, Machilipatnam, who, in turn, gave reply to BPCL that the site is located on old NH-216, which used to pass through the Machilipatnam town and is no longer considered to be a National Highway after the construction of a bypass, as it was handed back to the State Government on 24.02.2020 itself (Ex.R5). The respondents provided information to the petitioner under Right to Information Act. The petitioner has purposefully withheld the details in the annexure provided by the NHA authorities to Ruparani vide Ex.P5.

d) Within 400 meters from the subject site, there is another Petroleum Retail Outlet belonged to Indian Oil Corporation Limited. The subject site is not located in the designated residential area of a local body nor within the prohibited distance from schools or hospitals. The subject site wherein the RO site is situated is a mixed-use area with many commercial establishments. The location of the subject site does not contravene any of the guidelines issued by various statutory bodies. The authorities followed the guidelines and policies in vogue. The company is developing the Retail Outlet under the Corpus scheme, which is specifically designed to support SC category applicants by providing financial assistance, including working capital and eventually, prayed to dismiss the writ petition.

4. Counter affidavit was filed on behalf of 6th respondent-Municipal Corporation. It was contended, *inter alia*, that the 6th respondent submitted remarks to the 4th respondent *vide* office letter Roc.No.3662/2024/G2, dated 06.09.2024 stating that as per the report of the Town Surveyor, the proposed site falls in survey Ward No.1 in Revenue Ward No.29, near S.F. No.177, which is in un-surveyed portion as per the R.S.R Record, within an extent of 880 sq. yards. The

proposed site satisfies the norms for the establishment of a new retail outlet.

5. a) The 7th respondent filed separate counter. It was contended that pursuant to the application made by the petitioner, acting upon a complaint, the Territory Manager of the 2nd respondent-company addressed letter dated 21.03.2024 to the Project Director, PIU, Machilipatnam to clarify whether the property offered by the 7th respondent for setting up a retail outlet is on road abutting the National Highway or not. The Project Director, PIU, in turn, requested L.N. Malviya Infra Projects Limited to furnish the said information. It was clarified in the letter dated 14.06.2024 that the subject property is abutting NH-214A in Machilipatnam Town limits and was handed over to the Government of Andhra Pradesh. Therefore, the said stretch does not fall under the jurisdiction of the Ministry of Road, Transport & Highways.

b) Basing on the information furnished, the Project Director, PIU issued a letter dated 17.06.2024 to the 2nd respondent (Ex.R5). After receiving the NOC, the 2nd respondent-company issued a Public Notice through paper publication dated 30.11.2024 inviting objections, however, no objections were received by the 2nd respondent and thus, the 7th respondent started construction work, and the works were almost completed.

c) One V.Sonibabu and Ganjala Ramprasad filed W.P.No.20919 of 2024 and the said writ petition is pending, and no interim order was granted. Suppressing filing of other writ petition on the very same cause of action, the present writ petition is filed. The material relied upon in both the writ petitions is identical. The petitioner lacks locus to file the writ petition and eventually prayed to dismiss the writ petition.

6. Heard Sri Subbarao Korrapati, learned counsel for petitioner, Sri P.Shreyas Reddy, learned counsel for respondents 2 & 3, learned Assistant Government Pleader for Revenue for respondents 4 & 5 and Sri A.S.C.Bose, learned standing counsel for 6th respondent-corporation and Sri N.Ashwani Kumar, learned counsel for 5th respondent.

7. Learned counsel for the petitioner while reiterating the averments in the writ affidavit, would further contend that the site identified for establishing retail outlet is in National Highway, opposite to petitioner's outlet. He would further submit that issuing letter of intent to the 7th respondent to establish a retail outlet at D.No.29/428, of Inagudurupeta, Chintaguntapalem, Machilipatnam, is contrary to the notification.

8. Learned standing counsel for respondents 2 & 3 and the learned counsel for 7th respondent would contend that the petitioner lacks *locus standi* to file the writ petition. The petitioner a rival trader, and non-applicant, cannot maintain the writ petition. They would also contend that the right, if any, guaranteed to the petitioner under Part-III of the Constitution of India, has not been violated. The petitioner mainly relied upon the material secured by another individual.

9. Now, the points for consideration are:

- 1) Whether issuing a letter of intent to the 7th respondent to establish Petroleum Filling Station/Retail Outlet dealer at the premises bearing D.No.29/428 of Inagudurupeta, Chintaguntapalem, Machilipatnam, is in violation of notification issued by the 2nd respondent?**
- 2) Whether the petitioner got *locus standi* to file the writ petition?**

10. Shorn of all details, there is no dispute regarding the advertisement, letter of intent in favour of 7th respondent to establish Petroleum Filling Station/Retail Outlet at the premises bearing D.No.29/428 of Inagudurupeta, Chintaguntapalem, Machilipatnam. The facts narrated supra would indicate the granting of permissions from different statutory authorities.

11. In Paragraph-6 of the writ affidavit, it was pleaded that selecting 7th respondent as retail outlet dealer and the consequential NOC issued by the 5th respondent, is arbitrary, illegal, for extraneous consideration and also contrary to the notification dated 28.06.2023 of the 2nd respondent and thus, it is violation of Articles 14 and 19 of the Constitution of India; that the petitioner is having petroleum outlet in the vicinity and when the petitioner established the outlet, there was no restriction in the notification and that the petitioner will suffer irreparable loss and great hardship, due to establishment of new retail outlet by the 7th respondent at the premises D.No.29/428.

12. Thus, as seen from the averments in Paragraph-6 of the affidavit, the petitioner is neither a competitor nor his speaks about alleged infringement of rights, if any under Part-III of the Constitution of India to invoke the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India.

13. The petitioner is mainly canvassing that the selection of 7th respondent, for establishing retail outlet at the premises D.No.29/428 is in violation of the notification dated 28.06.2023.

14. In the notification, about location it was shown as "Within Machilipatnam Municipal Limited not on SH/NH". Unless, the petitioner

establishes beyond cavil of doubt, the infringement of right if any under Part-III or Article 300-A of the Constitution of India or any other statutory violation, affecting his, he cannot maintain the writ petition. The petitioner must demonstrate that the location is part of SH/NH.

15. The term '*locus standi*' is a Latin term, the general meaning of which is 'place of standing'. **Concise Oxford English Dictionary**, 10th Edition, defines the term "*locus standi*" as the right or capacity to bring an action or to appear in the court. The traditional view of "locus standi" has been that the person who is aggrieved or affected has the standing before the court that is to say he only has a right to move the court for seeking justice. In **Black's Law Dictionary**, the meaning assigned to the term "locus standi" is "the right to bring an action or to be heard in a given forum".

16. In **Ratanlal Vs. Prahlad Jat**¹, the Hon'ble Apex Court while considering the term '*locus standi*' observed thus:

"8. ... The traditional view of locus standi has been that the person who is aggrieved or affected has the standing before the court, that is to say, he only has a right to move the court for seeking justice. The orthodox rule of interpretation regarding the locus standi of a person to reach the court has undergone a sea change with the development of constitutional law in India and the constitutional courts have been adopting a liberal approach in dealing with the cases or dislodging the claim of a litigant merely on hypertechnical grounds. It is now well-settled that if the person is found to be not merely a stranger to the case, he cannot be non-suited on the ground of his not having locus standi."

¹ (2017) 9 SCC 340

17. In **Tej Bahadur Vs. Narendra Modi**², the Hon'ble Apex Court, while considering the maintainability of an election petition *qua* locus, observed at Paragraph-24 as follows:

“24. We find that the averments in the petition do not disclose that the appellant has a cause of action which invest him with right to sue. It is settled that where a person has no interest at all, or no sufficient interest to support a legal claim or action he will have no locus standi to sue. The entitlement to sue or locus standi is an integral part of cause of action.”

The Hon'ble Apex Court relied upon the judgment in [**T. Arivandandam Vs. T.V. Satyapal**, (1977) 4 SCC 467], wherein Justice V.R. Krishna Iyer held that if on a meaningful-not formal — reading of the plaint it is manifestly vexatious, and meritless, in the sense of not disclosing a clear right to sue, it should be nipped in the bud at the first hearing.

18. Keeping in view the expressions of the Hon'ble Apex Court regarding the locus standi, it is appropriate at this juncture to consider the locus of the petitioner to file the writ petition and the violation of any rights of the petitioner.

19. As narrated supra, the petitioner, a rival trader, filed the above writ petition. Nowhere in the writ affidavit was it pleaded about infringement of right either under Part-III or Article 300-A of the Constitution of India. The grievance of the petitioner, as can be seen from the affidavit, is that the authorities violated the notification and selected the place contrary to the notification. The petitioner mainly relied upon Ex.P4 letter addressed by the Assistant Engineer, South Section, Machilipatnam to P.Ruparani and

² (2021) 14 SCC 211 : 2020 SCC OnLine SC 951

Ex.P8 letter addressed by the Executive Engineer, R&B, Machilipatnam to the Collector & District Magistrate, Krishna.

20. Ex.P4 letter, except for the information furnished to P.Ruparani, the letter addressed by P.Ruparani under Right to Information Act was not placed before this Court. In Ex.P4, it was mentioned that “the road stretch from Harsha College to Kalekhanpeta (via) (Valandapalem, Zilla Parishad centre, Chilakalapudi centre, Parasupeta, R.K. Mess, Buttaipeta centre, Javvarupeta centre, Chintakuntapalem centre) towards Challapalli comes under the jurisdiction of National Highway Department (NH). It is pertinent to mention here that Ex.P4 does not indicate that D.No.29/428 of Inagudurupeta, Chintaguntapalem, Machilipatnam is on the National Highway. In Ex.P8, a letter addressed by the Executive Engineer, R&B, Machilipatnam, to the Collector & District Magistrate, Krishna, regarding the NOC to establish the outlet, it was mentioned as follows:

“In connection to reference 1st and 2nd cited, and reported by Dy.Executive Engineer R&B Sub-Division, Machilipatnam vide reference 3rd cited, and it is to submit that the proposed retail outlet of Bharat Petroleum corporation Ltd., Vijayawada is situated at Sy.No.29/428, Inaguduru, Machilipatnam Mandal, Krishna District is located at Km.93/2 left side of bypassed stretched of NH 216, Machilipatnam town limits for petroleum product at Km.93/2 bypassed stretch of NH 216 Machilipatnam town limits. The proposed site dimensions are 32.90 M X 22.30 M. In this regard, I submit that the proposed unit maybe located at a distance of 7.00M from centre line of existing BT road as shown in enclosed drawings. No HT Electrical lines are passing through this site. Thus, there is no objection for the vehicular traffic and the details are clearly marked in the enclosed plan.”

21. The contention of learned counsel for the petitioner that in Ex.P8 letter it was mentioned that Sy.No.29/428 is located at Km.93/2 left side

of bypassed stretch of NH 216 would mean that Sy.No.29/428 is part of National Highway, in the considered opinion of this court, is misconceived. The authority is referring to Km.93/2, left side of the bypass road, which would indicate land, but not land as part of the National Highway. In fact, upon receipt of complaints by the Corporation about the location, the corporation sought information from the Ministry of Road, Transport & National Highways. The Project Director, Ministry of Road, Transport & National Highways, in its letter dated 17.06.2024 (Ex.R5) stated as follows:

“This has reference to the letter 1st cited above vide which it has been requested to clarify whether the plot at Survey No.29/428 at Machilipatnam Municipality, Krishna District is abutting NH-216.

2. In this connection, it I sto inform you that the above said survey number is abutting the old NH-216 which used to pass through Machilipatnam town. A bypass was constructed for Machilipatnam town and therefore, the existing road is no longer considered to be a National Highway. It was handed over to the State Government vide letter dated 24.02.2020 and has been under the control of the State Government since then.”

22. Thus, Ex.R5 makes the things more discernible that the plot at S.No.29/428 of Machilipatnam town is not part of NH-216.

23. Since the plot at S.No.29/428 of Machilipatnam town is not part of NH-216, the Letter of Intent to establish the retail outlet is not contrary to the notification. If the Letter of Intent is not contrary to the notification, the petitioner cannot maintain the writ petition on, violation of a clause in the notification.

24. It is also pertinent to mention here that the petitioner is not espousing public interest and in fact, he is alleging irreparable loss. The petitioner, a rival trader approaching this Court by way of writ petition without there being any infringement of his right guaranteed under Part-III or Article 300-A of the Constitution of India.

25. The petitioner mainly relied upon Exs.P4 and P8, which do not help the petitioner qua the alleged violation. The petitioner also sought information just before the filing of the writ petition from the BPCL authorities, and the same was filed as Ex.P3. The information sought by the petitioner from the BPCL authorities relates to the applications received, selected candidates, basis for selection, and the guidelines to be followed for National Highway and Municipal limits while giving advertisement and the stage of the selected site. Thus, the information sought by the petitioner under the Right to Information Act also demonstrates that the writ petition is engineered at the behest of a third party.

26. The judgment cited by **M.S.Jayaraj Vs. Commissioner of Excise, Kerala and others**³, has no application to the facts in this case, in the context of *locus standi*.

27. Given the discussion *supra*, this Court does not find any merit in this writ petition. The petitioner lacks locus to file the writ petition. Neither the right guaranteed under Part-III and Article 300-A of the Constitution of India nor any clauses in the tender have been violated. The writ petition is a clear abuse of the process of law and hence, it is liable to be dismissed with costs.

³ (2000) 7 SCC 552

28. Accordingly, the Writ Petition is dismissed with costs of Rs.10,000/- payable by the petitioner to the A.P. State Legal Services Authority, Amaravati, within four weeks from the date of this order. If the petitioner fails to pay the costs, the authority shall recover the costs as per the Rules in vogue.

Registry is directed to send a copy of this order to the petitioner as well the A.P. State Legal Services Authority, Amaravati.

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

JUSTICE SUBBA REDDY SATTI

Note: LR Copy to be Marked.

**B/O
PVD**