



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

[3457]

WEDNESDAY, THE 5th DAY OF AUGUST 2026

PRESENT

THE HONOURABLE SRI JUSTICE HARINATH.N

WRIT PETITION NO: 5470/2026

Between:

1.YETURU ASHOK KUMAR REDDY, S/O SUDHAKAR REDDY,
LICENSEE, M/S ANJANA FUEL STATION,HPCL OUTLET,
SY.NO.213/1, OPP. HANUMAN TEMPLE, VENKATRAOPALLI,
ATMAKUR VILLAGE AND MANDAL, SPS NELLORE DISTRICT,

...PETITIONER

AND

- 1.THE STATE OF ANDHRA PRADESH, REP. BY ITS SPECIAL CHIEF SECRETARY, MUNICIPAL ADMINISTRATION URBAN DEVELOPMENT DEPARTMENT, A.P. SECRETARIAT, VELAGAPUDI-522241, AMARAVATI, GUNTUR DISTRICT.
- 2.ATMAKUR MUNICIPALITY, REP. BY ITS COMMISSIONER, ATMAKUR SPS NELLORE DISTRICT-524322,.
- 3.THE COLLECTOR AND DISTRICT MAGISTRATE, , SPS NELLORE DISTRICT, NELLORE-524001.
- 4.THE DISTRICT REVENUE OFFICER, SPS NELLORE DISTRICT, NELLORE-524001.
- 5.THE SENIOR MANAGER RE, HINDUSTAN PETROLEUM CORPORATION LTD., NELLORE-524003.
- 6.THE SUPERINTENDENT OF POLICE, , SPS NELLORE DISTRICT, NELLORE-524001.
- 7.THE REGIONAL OFFICER, NATIONAL HIGHWAYS AUTHORITY OF INDIA RANIGARITHOTA, KRISHNALANKA, VIJAYAWADA N.T.R. DISTRICT-520013.

...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 topleased to issue an appropriate writ, order or direction more particularly one in the nature of writ of Mandamus declaring the Seizure Notice No.15/SEC01/1151/ ATK(N)/UC/2025, Dt.04.06.2025 of the 2nd respondent preceded by lock and seal of the power room of the petitioners retail outlet i.e.. M/s Anjana Fuel Station, Flindustan Petroleum Outlet at Sy.No.213/1, Venkatraopalli, Atmakur, SPS Nellore District and suspending the operations in the subject matter premises until building permission is obtained as illegal, arbitrary, violative of Articles 14, 19 (i) (g) and 21 of Constitution of India and set aside the same with a consequential direction to the respondent No.2 not to interfere with business activities of the petitioner

i.e.. M/s Anjana Fuel Station, Hindustan Petroleum Outlet at Sy.No.213/1, Venkatraopalli, Atmakur, SPS Nellore District and pass

IA NO: 1 OF 2026

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 suspend the Seizure Notice No.15/SEC01/1151/ ATK(N)/UC/2025, Dt.04.06.2025 of the 2nd respondent with a direction to allow the petitioner to carry out the operations in the HPCL Retail Outlet i.e., M/s Anjana Fuel Station, Hindustan Petroleum Outlet at Sy.No.213/1, Venkatraopalli, Atmakur, SPS Nellore District, pending disposal of the Writ Petition and pass

Counsel for the Petitioner:

- 1.V MAHESWAR REDDY

Counsel for the Respondent(S):

- 1.GP FOR HOME
- 2.GP FOR MUNICIPAL ADMN URBAN DEV
- 3.Gudapati Lakshminarayana SC For Municipalities in Rayalaseema Region
- 4.GP FOR REVENUE
- 5.THANDAVA YOGESH

THE HONOURABLE SRI JUSTICE HARINATH.N**WRIT PETITION No.5470 of 2026****ORDER:**

1. The petitioner is challenging the seizure notice dated 04.06.2025 issued by the respondent No.2, whereby the respondent No.2 called upon the petitioner to obtain building permission as per the applicable laws and submit a detailed written explanation within a period of 24 hours. The impugned notice further holds out a threat of sealing and demolition of unauthorised construction.
2. The learned counsel appearing for the petitioner submits that the respondent No.2 has subsequently sealed the power room of the petitioner's retail outlet.
3. It is submitted that the petitioner was selected as a dealer for running a retail outlet of Hindustan Petroleum Corporation Limited (HPCL). The petitioner obtained the requisite license from the competent authority for purchase/storage/ sales of motor spirit and high-speed diesel. The petitioner also obtained the requisite approvals from the regulatory authorities, including the District Collector, the District Revenue Officer, the District Disaster Response and Fire Officer, and the Superintendent of Police, Nellore.
4. It is submitted that, on behalf of HPCL, an application was filed with the respondent No. 2 office for approval of the layout plans on 21.10.2024. It is submitted that respondent No. 2 did not process the same for

reasons better known to them. Respondent No. 2, in turn, issued a notice on 13.05.2025, followed by another notice dated 17.05.2025 directing the petitioner not to commence any sales or operations of the Petroleum retail outlet on the ground that the construction activity in the premises is unauthorised. It is submitted that even before the petitioner could submit a reply to the said notice, a confirmation order dated 22.05.2025 was issued and the petitioner submitted representations dated 23.05.2025 and 26.05.2025. It is submitted that the respondent No.2 has acted irrationally and further proceeded to lock and seal the entry door of the sales room, thereby paralysing the business activities. It is submitted that the respondent No.2 had issued a seizure notice dated 04.06.2025 after sealing the premises.

5. The learned counsel appearing for the petitioner submits that the respondent No.2 is not empowered under the law to seal the business premises of the petitioner as the said act is beyond the purview of the respondent No.2. It is submitted that the respondent No.2 has no statutory power to seal the business premises of the petitioner.
6. It is also submitted that the allegation that the petitioner has constructed un-authorizedly is factually incorrect. It is submitted that the construction of the sales room and rest rooms is an integral part of the outlet for which the District Collector and Licensing Authority issued a no-objection certificate. It is also submitted that the sales room (power room) along with rest rooms is constructed within the permissible limits.

The learned counsel appearing for the petitioner further submits that the respondent No.2 admits the submission of the online application and that additional documents are to be uploaded for further processing of the application.

7. It is also submitted that the petitioner is willing to upload all the necessary documents for the grant of the requisite permission, subject to the respondent No.2 granting access to the licensed technical person to upload the documents. It is also submitted that the respondent No.2 is acting at the behest of some third parties and not pursuing the pending application of the petitioner.
8. The respondent No.2 has filed a counter, and the learned standing counsel submits that the respondent No.2 did not receive any application for the grant of building permission on 21.10.2024, as contended by the petitioner. It is submitted that the respondent No. 2 did not grant any permission to operate a retail fuel outlet.
9. It is submitted that a provisional notice dated 13.05.2025 was issued calling upon the petitioner to stop construction and to provide an explanation as to why the unauthorised structure should not be demolished. Thereafter, a further notice dated 17.05.2025 was issued, and the respondents have subsequently sealed the premises. It is submitted that the building construction permission ought to be obtained through Andhra Pradesh Development Permission Management

System (APDPMS) through its online portal. It is also submitted that the License Technical Person must comply with the requirements.

10. Heard the learned counsel appearing for the petitioner and also the learned standing counsel for the respondent No.2, and perused the material on record.
11. The respondent No.5 has submitted an application dated 21.10.2024 for the grant of permission for the construction of a new retail outlet on the Badwel-to-Nellore NH-67 road, Survey No.213/1, Venkatraopalli, Atmakur, Nellore District. Respondent No.5 has submitted the layout plans showing the details of the sales building, as well as the drawings seeking approval from Respondent No.2.
12. The provisional order dated 13.05.2025 is contrary to the application submitted on behalf of the petitioner by the respondent No.5, when a permission was sought for setting up a retail unit; the respondent No.2, vide provisional order dated 13.05.2025, has referred to the land usage as per rule as residential and that it was put to commercial use. The fuel outlet is a commercial entity, and the submitted application is for the sanction of permission to run a commercial unit. The respondent No.2 ought not to have classified the land use as per the rule as residential when the application, along with the plans submitted, indicated the petitioner's proposal to set up a retail fuel outlet.

13. The further notice dated 17.05.2025 is issued calling upon the petitioner not to commence any sale or operation of the fuel outlet at the subject premises. The notice dated 13.05.2025 calls upon the petitioner to submit a reply within seven days. The confirmation notice dated 22.05.2025 has determined that the subject construction is unauthorised and deserves to be pulled down within seven days. The seizure notice dated 04.06.2025 is passed without reference to the contentions raised by the petitioner in his representations dated 23.05.2025 and 26.05.2025.
14. There is no explanation as to what prompted respondent No. 2 to take contradictory stands in the counter. Respondent No.2 has denied receipt of any application for grant of building permission at para No.5 of the counter, and the same paragraph states that the application of the petitioner remained in the preliminary stage with the licensed technical persons, which the licensed technical person did not forward to Respondent No.2.
15. Respondent No.2 could not have assumed the role of Respondent No.3 and resorted to issuing the seizure notice. The power to seize the retail outlets for malpractice or any other misconduct vests with the respondent No.5. The power to seize the pump for non-compliance with the safety standards vests with the respondent Nos.3 and 6.
16. The learned counsel for the petitioner contends that the licensed technical person (LTP) engaged by the petitioner is under the influence

of the respondent No.2. It is also the contention of the learned counsel appearing for the petitioner that the LTP is denied access for uploading the requisite documents for the respondent No.2 to process the grant of the requisite permission.

17. The respondent No. 2, for reasons better known, did not notify the petitioner of the required shortfalls for compliance after receiving the application in February, 2025. The manner in which the respondent No.2 has conducted itself in issuing one notice after the other speaks volumes about the irrational acts of the respondent No.2.
18. The provisional notice dated 13.05.2025 deserves to be set aside, as it refers to the subject construction as an application submitted for residential purposes. The subsequent notice dated 17.05.2025 also deserves to be set aside, as the notice dated 13.05.2025 granted the petitioner seven days to submit his explanation. The confirmation order dated 22.05.2025 is consequential and refers to the order dated 13.05.2025, as such, deserves to be set aside.
19. The seizure notice dated 04.06.2025 is without jurisdiction and deserves to be set aside. The respondent No.2 shall grant access to the licensed technical person on the APDPMS online portal for submission of all required documents and compliance with any other requirements of the petitioner for grant of the requisite permission to the petitioner. The respondent No.2 shall be uninfluenced by any third party objections

proceed to process the building permission application of the petitioner and pass appropriate orders.

20. The petitioner shall comply with the statutory requirements for obtaining the requisite permission and pay the requisite fee for grant of permission. The respondent No.2 is hereby directed to forthwith de-seal the premises of the petitioner and further directed not to interfere with the business activities of the petitioner.

21. With these observations, the writ petition is allowed. There shall be no order as to costs.

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

JUSTICE HARINATH.N

Date : 05.08.2026
KGM

Whether the order is:

Speaking		Reasoned	☒
Reportable		Non-reportable	☒

THE HONOURABLE SRI JUSTICE HARINATH.N

WRIT PETITION No.5470 of 2026
Date: 05.08.2026

KGM