THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.12293 of 2015

Dated : 01.06.2015

Between:

Raju Water Servicing Center,

Rep., by Mallarapu Raju, S/o. Subba Rao,

Aged about 29 yrs,

Occu : Running Water Servicing Center,

R/o.D.No.73-3-2/5, Narayanapuram,

Rajahmundry, East Godavari District.

.. Petitioner

And

The State of Andhra Pradesh,

rep., by Secretary, (Municipal Administration),

Secretariat, Hyderabad and 2 others

.. Respondents

This Court made the following :

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ORDER :

With the consent of learned counsel for the petitioner as well as learned Government Pleader for Municipal Corporation, the Writ Petition is disposed of at the admission stage.

2. The petitioner is running Water Servicing Center in the name and style of Raju Water Servicing Center. According to the petitioner, necessary permission was obtained and requisite fee was paid to run the water servicing center. The petitioner was served with notice dated 06.04.2015 directing the petitioner to shift the service center within seven days from the date of receipt of the said notice, without causing any inconvenience to the neighbours. The notice

precedes on the assumption that complaints were received from the neighbours, where the water servicing center is running and that it is causing lot of nuisance.

3. Learned counsel for the petitioner submits that similar such notice was issued earlier and on receipt of such notice, the petitioner has complied with the objections and in compliance thereof, the petitioner was allowed to run the Water servicing center. But to his surprise, again the impugned notice is issued. Learned counsel further submits that no prior notice was issued before directing him to shift the premises nor the nature of complaints received was furnished to him. Therefore, the notice is *ex-facie* illegal and it is in violation of principles of natural justice.

4. Learned Standing Counsel fairly submits that the Rajahmundry Municipal Corporation is in the process of taking steps for issuing fresh notice containing all the details and that due opportunity would be afforded to the petitioner.

5. As seen from the notice impugned in the writ petition though it is coined as notice, it is in the form of an order directing the petitioner to shift the premises. The notice refers to alleged complaints. But, the details of complaints and the nature of grievance ventilated by the persons concerned was not reflected in the notice. Without knowing the reasons of such complaints and the difficulties faced by the locality people, it is not possible for the petitioner to rectify the nature of inconvenience caused nor it is permissible for the petitioner to shift the premises. The said order is vitiated on account of not furnishing the relevant information to the petitioner and not affording an opportunity of hearing before directing him to shift the location and therefore, the order is not sustainable.

6. Having regard to the same, the Writ Petition is allowed at the admission stage, setting aside the impugned notice giving liberty to the Respondent-Corporation to cause notice on the petitioner with all the relevant details and also to supply the copies of complaints received, in order to enable the petitioner to give detailed reply. The petitioner shall also be given reasonable opportunity to submit his explanation. On consideration of such explanation, personal hearing shall be accorded to the petitioner and also to the persons who have made such complaints and pass appropriate orders as warranted by

law and communicate the decision to the petitioner. Until a decision to that extent is taken and communicated to the petitioner, the petitioner shall not be prevented from operating the servicing center. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

_____ P.NAVEEN RAO,J

1st June, 2015

Rds