

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

Writ Petition No.935 of 2015

Date: 23-01-2015

Between:

M.V. Krishna Rao

.. Petitioner

AND

The State of Telangana, represented by its Principal
Secretary, Municipal Administration, Secretariat
Hyderabad and 2 others

.. Respondents

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

Writ Petition No.935 of 2015

ORDER:

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The writ petition is filed for a mandamus declaring the action of the 3rd respondent in issuing proceedings No.6900/ZC/SZ/GHMC 2015-1, dated 17-01-2015 directing the petitioner to close down the business activities temporarily till further orders of the Commissioner, GHMC, Hyderabad, as illegal and arbitrary.

2. The case of the petitioner is that he is running a business under the name and style of Sri Srinivasa Graphics and Creative Offset Printers in the premises bearing No.16-11-22/15, Krishna Tulasinagar, Moosarambagh, Hyderabad, by obtaining valid licence from the 2nd respondent for the last 14½ years and the neighbours have also gave no objection certificates to the respondents 2 and 3 for the same. The 3rd respondent issued a show cause notice dated 06-01-2015, alleging that the business of the petitioner is likely to cause nuisance to the neighbours under clause (ii) (e) of sub-section

(1) of Section 521 of the Greater Hyderabad Municipal Corporation Act, pursuant to which, the petitioner submitted his explanation on 08-01-2015, but the respondent authorities, without considering the said explanation, issued the impugned proceedings No. 6900/ZC/SZ/GHMC 2015-1, dated 17-01-2015, directing the petitioner to close down his business. Aggrieved by the same, the present writ petition has been filed.

3. Heard the learned counsel for the petitioner, who reiterated the contents of the writ affidavit and the learned standing counsel for the respondents stated on instructions that the 3rd respondent will consider the explanation dated 08-01-2015 given by the petitioner and pass appropriate orders thereon.

4. Since the impugned proceedings dated 17-01-2015 has been issued to the petitioner in violation of principles of natural justice without considering his explanation already given on 08-01-2015, the same is liable to be set aside on that ground.

5. Accordingly, the writ petition is allowed setting aside the proceedings No. 6900/ZC/SZ/GHMC 2015-1, dated 17-01-2015 issued by the 3rd respondent and the 3rd respondent is directed to consider the explanation dated 08-01-2015 given by the petitioner and pass appropriate orders thereon in accordance with law, as expeditiously as possible, within a period of four (4) weeks from the date of receipt of a copy of the order. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions pending, if any, shall stand closed.

A. RAJASHEKER REDDY, J

Date: 23-01-2015

Note: Issue C.C. tomorrow

B.O./Ksn