

HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

PRESENT

THE HON'BLE THE CHIEF JUSTICE SRI KALYAN JYOTI SENGUPTA

AND

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION NO.8297 OF 2015

DATED:27.3.2015

Between:

M/s. Iron & Plastic Merchants Educational Society

Regd. No.282/1980, Rep. by its President Syed Anwar

Premises bearing No.1-4-724,

Bholakpur, Musheerabad

Hyderabad

and another

... Petitioners

And

State of Telangana

Rep. by its Principal Secretary – M.A. & U.D.,

Secretariat

Hyderabad

and others ... Respondents

THE HON'BLE THE CHIEF JUSTICE SRI KALYAN JYOTI SENGUPTA

AND

THE HON'BLE SRI JUSTICE SANJAY KUMAR

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WRIT PETITION NO.8297 OF 2015

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ORDER: (per the Hon'ble The Chief Justice Sri Kalyan Jyoti Sengupta)

We have heard the learned counsel for the petitioner, the learned Standing Counsel for the Greater Hyderabad Municipal Corporation and the learned Government Pleader appearing for the State of Telangana.

We think that the issue involved in this matter has to be addressed by the Government of Telangana, as going by the provision of Section 202 of the Greater Hyderabad Municipal Corporation Act, 1955, we do not find Municipal Corporation has been conferred with power to grant exemption. It is for the Government to take a decision.

We direct the Principal Secretary, Department of Municipal Administration & Urban Development, Government of Telangana, to treat a copy of this writ petition as representation of the petitioners for granting exemption under the aforesaid provision and consider the same and take a decision in accordance with law. This shall be done within a period of six weeks from the date of communication of this order. Till such decision is taken, the respondent municipal authority shall not take any coercive steps against the petitioners. If the representation is rejected, thereafter it would be open for the municipal authority to proceed in accordance with law. The Principal Secretary shall serve notice to the municipal authority as well as the petitioner before hearing of the matter.

With the above directions, the writ petition is dispose of.

Pending miscellaneous petitions, if any, shall stand closed. There will be no order as to costs.

K.J. SENGUPTA, CJ

SANJAY KUMAR, J

27.3.2015

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