

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.No.6820 of 2009

ORDER:

This writ petition, filed under Article 226 of the Constitution of India, challenges the proceedings No.488/H1/HS/C7/GHMC/358 dated 26.3.2009 issued by the respondent herein asking the petitioner to close the 20 HP electrical motor in the petitioner's establishment bearing premises No.11-5-411/A, Lakdikapool, Hyderabad.

2. Heard Sri K.Chidambaram, learned counsel for the petitioner and Sri R.Radhakrishna Reddy, learned Standing Counsel for the respondent, apart from perusing the material available on record.

3. According to the petitioner, it has taken the premises bearing Door No.11-5-411/A situated at Red Hills, Lakdikapool, Hyderabad from its owner G.Ravi Kumar under a registered lease deed dated 13.5.2008 on a monthly rent of Rs.22,000/- for a period of six years commencing from October, 2007 for carrying on the business of Offset Printing Press. It is pleaded that the petitioner applied for licence and the respondent Corporation vide proceedings No.3202/HSC/C7/GHMC/2007 dated 2.1.2008 accorded permission to run the business by increasing the existing electrical motor from 10 HP to 20 HP and that the petitioner has been running the business by strictly adhering to the conditions of licence. The respondent herein issued impugned proceedings dated 26.3.2009, asking the petitioner to close the 20 HP electrical motor in (3) days. It is the grievance of the petitioner that the respondent herein issued the impugned proceedings without issuing any show cause notice or affording any opportunity to the petitioner, which is not disputed by the respondent herein by way of filing counter.

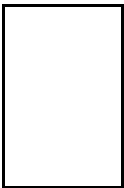
4. It is a settled and well established principle of law that any action of the authorities which has civil consequence, must necessarily be preceded by a show cause notice and opportunity of being heard to the

persons likely to be effected by such actions. In the instant case, absolutely there is no record to show that the respondent herein adhered to the said requirement.

5. For the aforesaid reasons, the writ petition is allowed, setting aside the proceedings No.488/H1/HS/C7/GHMC/358 dated 26.3.2009 issued by the respondent herein. However, this order will not preclude the respondent herein from taking action against the petitioner in accordance with law, after giving show cause notice and opportunity of being heard to the petitioner herein. As a sequel, the miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

A.V.SESHA SAI, J

Date: 4.2.2015
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Between:

M/s Sudarshan Sri Laxmi Narasimha
Printers Pvt. Ltd., rep. by its
Managing Director Adapa Vijaya Satish Kumar.

... Petitioners

and

The Greater Hyderabad Municipal Corporation,
Circle No.VII, Hyderabad, rep. by its
Asst. Medical Officer of Health.

... Respondent