

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

**WEDNESDAY, THE TWENTY THIRD DAY OF SEPTEMBER
TWO THOUSAND AND FIFTEEN**

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Present

HON'BLE SRI JUSTICE P.NAVEEN RAO

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WRIT PETITION No.31276 of 2015

Between:

Syed Ali Abed Zaidi,
S/o. Syed Badrul Hasan Zaidi,
Aged about 59 years,
Occ: Proprietor,
R/o. H.No.203, 2nd Floor,
MQ Pride Apartments,
Salarjung Colony, Toli Chowki,
Hyderabad.

.. Petitioner

AND

The State of Telangana,
Rep. by Principal Secretary,
Municipal Administrative Department,
Secretariat Building,
Hyderabad & 6 others

.. Respondents

The Court made the following:

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HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.31276 of 2015

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ORDER:

The petitioner is running a hotel in a rented premises. Show cause notice, dated 27.08.2015, was served on the petitioner by the Deputy Commissioner, Circle No.10, Greater Hyderabad Municipal Corporation (3rd respondent) calling upon him to submit explanation and also the relevant documents on various deficiencies mentioned in the show cause notice. The petitioner claims to have submitted a detailed representation to the 3rd respondent explaining the stand on the various deficiencies pointed out in the show cause notice, dated 04.09.2015, which was acknowledged by the office of the Deputy Commissioner. However, orders are passed by the Deputy Commissioner, dated 14.09.2015, confirming the earlier notice issued and directing the petitioner to stop carrying out the business. The final order was passed by holding as if no explanation is filed by the petitioner.

2. Learned counsel for the petitioner submits that it is illegal on the part of the Deputy Commissioner in not considering the representation submitted by the petitioner, when the same was already acknowledged by the office of the Deputy Commissioner.

3. Having regard to the fact that explanation is already submitted by the petitioner and the same is not considered by the Deputy Commissioner, the order impugned in the writ petition is set aside and the matter is remitted back to the Deputy

Commissioner, Circle No.10, Greater Hyderabad Municipal Corporation (3rd respondent) for passing fresh orders after duly considering the objections filed by the petitioner in his explanation, dated 04.09.2015, as expeditiously as possible, preferably within a period of one (1) week from the date of receipt of copy of this order. Till the final orders are passed by the 3rd respondent, as directed by this Court, no coercive steps shall be taken by the respondent Municipal Corporation. However, in the meantime, the petitioner shall ensure that the deficiencies pointed out in the notice shall be rectified and the restaurant shall be operated strictly in accordance with the norms prescribed.

4. With the above observations, the Writ Petition is disposed of. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

P.NAVEEN RAO, J

Date: 23rd September, 2015

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Note: Issue C.C. in three (3) days.

(B/o.)

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HON'BLE SRI JUSTICE P.NAVEEN RAO

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Date: 23rd September, 2015

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