

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

* * *

WRIT PETITION No. 17354 of 2012

BETWEEN

G.Prabhakar Reddy and others

... PETITIONERS

AND

The Municipal Commissioner, Anantapur Municipal Corporation and another

...RESPONDENTS

Date of Order pronounced: 18.08.2015

SUBMITTED FOR APPROVAL:

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THE HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

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| 1. Whether Reporters of Local newspapers
may be allowed to see the Judgments? | Yes/No |
| 2. Whether the copies of judgment may be
marked to Law Reporters/Journals? | Yes/No |
| 3. Whether his Lordship wish to see the
fair copy of the Judgment? | Yes/No |

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ORDER:-

Heard.

2. By this writ petition, petitioners question the notice issued by the first respondent dated 18.05.2012, wherein the petitioners were directed to remove the Cement Bricks manufacturing units within fifteen days on the ground that the said Unit, which is situated near petrol Pump, Ram Nagar Extension, Anantapur Town, is creating un-hygenic atmosphere in the surrounding area.

3. The first respondent filed a counter affidavit stating that petitioners have filed an undertaking dated 23.05.2012 for shifting of the Cement Bricks Manufacturing Unit within a period of two months and that having filed the said undertaking, petitioners cannot file the present writ petition.

4. Learned counsel for the petitioners states that the petitioners are paying the licence fee to the respondents and as long as the licence is subsisting in their favour, petitioners cannot be asked to shift the place. Learned counsel further submits that only at the instance of the persons enemical to the petitioners, the present impugned notice is issued.

5. Sri S.D.Goud, learned Standing Counsel appearing for the respondent-Corporation submits that basing on the complaint the impugned notice is issued and petitioners having undertook to shift the Unit, they cannot file the present writ petition. No reply affidavit is filed to the counter affidavit filed by respondent No.1.

6. When once the petitioners have given undertaking to the authorities for shifting his manufacturing unit, they cannot now turn around and file the present writ petition. Mere payment of licence fee does not entitle the petitioners to cause unhygienic atmosphere in the surrounding area. In view of the same, I do not see any merit in the writ petition.

Writ petition is accordingly dismissed. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

August 18, 2015
LMV

THE HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

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AUGUST 18, 2015

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