

THE HON'BLE SRI JUSTICE SANJAY KUMAR

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WRIT PETITION No.39746 of 2015

ORDER:

The grievance of the petitioner, who is the Proprietor of M/s. Sai Om Crackers, is with regard to the proceedings dated 23.11.2015 passed by the Commissioner of Police, Hyderabad City, whereby the 'No Objection Certificate' (NOC) issued under Memo dated 19.10.1995 by his office in relation to the location of the fireworks at Mehaboob Mansion Complex, Sri Krupa Market, Malakpet, Hyderabad, was cancelled.

Sri P. Kamalakar, learned counsel for the petitioner, asserts that a detailed explanation was submitted to the show-cause notice dated 09.10.2015 issued by the Commissioner of Police, Hyderabad, explaining the reasons as to why the operation of the fireworks at the subject premises did not pose a threat. The learned counsel would contend that the impugned proceedings dated 23.11.2015 do not even disclose the reason as to why the said explanation was not found convincing and that the Commissioner baldly effected cancellation of the NOC which had been in existence since the year 2001.

Perusal of the impugned proceedings reflects that though a reference was made to the show-cause notice issued to the petitioner and the explanation submitted by him in response thereto, no reasons were set out as to why the said explanation was not acceptable. The Commissioner merely stated that the explanation had been examined and found not convincing.

When the Commissioner was proposing cancellation of a NOC dating back to the year 2001, whereby the fireworks which had been operating at the subject premises since 2001 was required to be displaced, the least that was expected was that the Commissioner would set out the reasons as to why such action was warranted and as to why the explanation submitted by the petitioner was found unsatisfactory.

Needless to sate, recording of reasons is now recognized as one of the principles of natural justice and violation of the same cannot be countenanced presently on the facts obtaining. On this short ground, the impugned proceedings

dated 23.11.2015 are set aside and the matter is remitted to the Commissioner of Police, Hyderabad City, for consideration afresh and for passing appropriate reasoned orders in the matter in accordance with law. The Commissioner shall afford an opportunity of personal hearing to the petitioner and thereafter take suitable action in the matter.

The writ petition is allowed to the extent indicated above. Pending miscellaneous petitions shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

Date:08.12.2015

GJ