

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

WRIT PETITION NO.25424 of 2015

Between :

Taulam Sandeep S/o Satyanarayana
R/o 6-89, Iqbal Ahmed Nagar, Mancherial,
Adilabad district

.... Petitioner

And

State of Telangana
Rep by its Chief Secretary, Department of Municipal Admn
Secretariat, Hyderabad and others

.... Respondents

DATE OF JUDGMENT PRONOUNCED : 13.8.2015

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SUBMITTED FOR APPROVAL:

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THE HON'BLE SRI JUSTICE P.NAVEEN RAO

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1. Whether Reporters of Local Newspapers may : / No
Be allowed to see the Judgments ? :

2. Whether the copies of judgment may be marked : / No
To Law Reporters/Journals :

3. Whether Their Lordship wish to see the fair : / No
Copy of the Judgment ? :

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 25424 of 2015

ORAL ORDER:

Petitioner claims to be B. Tech graduate from Jawaharlal Nehru Technological University, Hyderabad, having obtained the degree in first class on 7.5.2012. Since he could not secure decent employment and in order to establish himself, wanted to start a small business in the name and style of "Bhagya Lakshmi Chicken Centre" and having taken a mulgi on rent bearing

H No.6-89 Iqbal Ahmed Nagar, Mancherial applied for grant of trade license. The request of the petitioner was rejected by impugned proceedings dated 30.7.2015. Challenging the said proceedings, this writ petition is filed.

2. Smt. Uma learned counsel appearing for petitioner contends that rejection was granted on certain objections made by some persons. She submits that question of entertaining the objections does not arise since it is commercial area already there exist another chicken shop in the same locality and that any commercial establishment can come up in that area and there cannot be any objection to any other person. She further submits that Commissioner has entertained the objections from third parties without putting the petitioner on notice and rejection is only on the basis of said objections. Therefore, on that ground alone the impugned order is not sustainable and matter may be remitted for reconsideration of the issue. Learned standing counsel does not dispute the fact that the material based on which rejection of request for grant of trade licence is issued was not supplied to the petitioner.

3. Having regard to the fact that the petitioner's intention to establish a chicken centre is now rejected on the ground that certain objections are received, but said objections are not furnished to petitioner and no opportunity was afforded to the petitioner to counter the objections, the impugned order is not sustainable and accordingly the same is set aside and

the matter is remitted to respondent no.4 for reconsidering the issue. He shall furnish copies of objections received by the municipality on the proposal of the petitioner to establish a chicken centre, within a period of one week from the date of receipt of copy of this order; consider further representation of petitioner that may be submitted against said objection and after affording due opportunity of personal hearing, appropriate orders be passed within a period of three weeks thereafter. No costs. Having regard to the same, miscellaneous petitions, if any pending, are closed.

P NAVEEN RAO,J

DATE: 13.8.2015
TVK

HONOURABLE SRI JUSTICE P. NAVEEN RAO

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