

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

WRIT PETITION NO.20767 of 2015

Between:

M/s. Bombay Corporation, a partnership firm having
It's registered office at 2/268, Old 1/633, Satyavathi
Nagar, Chinnapadugupadu, Padugupadu Village,
Kovur Mandal, SPSR Nellore District, rep.by its Managing
Partner, Ghiasuddin Ahmed Q. S/o. Quaid Ali Quraishi M.

.. Petitioner

AND

The State of Andhra Pradesh, rep.by its Secretary,
Panchayat Raj Department, A.P.Secretariat,
Hyderabad and others.

.. Respondents

DATE OF JUDGMENT PRONOUNCED : 17.07.2015

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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 : Yes / No
Be allowed to see the Judgments ? :
2. Whether the copies of judgment may be marked : Yes / No
to Law Reporters/Journals :
3. Whether Their Lordship wish to see the fair : Yes / No
Copy of the Judgment ? :

**HON'BLE SRI JUSTICE P.NAVEEN RAO
WRIT PETITION No.20767 of 2015**

ORDER:

Petitioner is a partnership firm registered under Indian Partnership Act. Petitioner firm is a distributor for the products of ITC Limited for Kovur and surrounding villages in SPSR Nellore District. Petitioner claims to be in business for more than ten years. In the year 2008, the father of the petitioner purchased the building in Satyavathi Nagar, Chinnapadugupadu, Kovur Mandal for the purpose of carrying on the above stated business. Initially it was only a single storied building, subsequently they have undertaken construction and raised two upper floors after obtaining due approvals from the 6th respondent-Grampanchayat. They obtained trade licence from the Grampanchayat, which is renewed from time to time. Petitioner further avers that they have submitted application for grant of No Objection Certificate (NOC) to the Fire Department. By proceedings Rc.No.4081/A2/2012, dated 21.11.2012, the District Fire Officer, issued NOC for a period of one year. While so, neighbour of the petitioner submitted a petition against them alleging that petitioner has not taken fire preventive steps. Reacting on the said complaint, the District Fire Officer by proceedings dated 25.05.2013 cancelled the occupancy NOC. Subsequently, petitioner has taken steps to install fire fighting equipment as prescribed in table-23, Part-IV of National Building Code 2005 and submitted application to the District Fire Officer for issuance of NOC. The Inspection Committee inspected and was satisfied with the fire fighting installation measures taken by the petitioner and recommended for grant of NOC. Accordingly, NOC was granted on 13.08.2013.

2. The 4th respondent once again submitted application with false allegations and the Director General of State Disaster Response and Fire Services Department, Hyderabad, once again cancelled the NOC by his proceedings dated 09.07.2014. By letter dated 25.07.2014 petitioner was informed by the District Fire Officer to take further safety measures. As recommended, further safety measures were installed. After inspection, the same fact was informed by the District Fire Officer and submitted proposals to the Director General to issue NOC. Even without waiting for issuance of NOC, 6th respondent Grampanchayat vide impugned proceedings dated 30.06.2015 cancelled the trade licence issued to the petitioner. Aggrieved thereby, this writ petition is instituted.

3. When the matter is taken up for consideration, learned Government Pleader produced the memorandum Rc.No.316/MSB/SR/NLR/2014, dated 08.07.2015, wherein NOC was granted to the petitioner.

4. In view of the fact that NOC was already granted to the petitioner, the very objection raised by the Grampanchayat in cancelling the Trade licence does not survive. Thus, the impugned notice dated 30.06.2015 is liable to be set aside and accordingly set aside.

5. Accordingly, the writ petition is allowed. The petitioner be permitted to carry on their business in accordance with trade licence earlier granted subject to petitioner complying with all other statutory requirements. Petitioner shall submit a copy of the memorandum dated 08.07.2015 to the Grampanchayat and shall also maintain strictly the fire safety norms in accordance with the provisions of Fire Service Act and Rules made there under and National Building Code, 2005. There shall be no order as to costs. Miscellaneous petitions if any pending in the writ petition shall stand closed.

Date : 17.07.2015
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JUSTICE P.NAVEEN RAO

HON'BLE SRI JUSTICE P.NAVEEN RAO

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