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WRIT PETITION No.10253 of 2015

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ORDER:

This petition is filed for issuance of Writ of Mandamus declaring the action of the respondents in not granting the Trade License and also obstructing the business of the petitioner i.e., Gaming Zone running in the premises bearing Municipal No.12-2-800/216, Plot No.216-'B' Class in Sy.No.312/1, situated at Dilshad Nagar Colony, Rethi Bowli, Gudimalkapur, Hyderabad, and also in not considering the representation of the petitioner dated 05.02.2015 for grant of Trade License, as unjust, arbitrary, illegal and violative of Articles 14 and 21 of the Constitution of India.

2. The case of the petitioner is that he is doing a small business of Hotel, Restaurant, Catering House and café along with his partner, Mir Shujath Ali, in the above said property. He was obtained the said property through registered lease deed dated 16.07.2014 from its owners, Mohammed Yousuf Shareef and his five brothers and in the said lease deed, it was clearly mentioned that the said property will be utilized for his business purpose. He submitted a representation dated 05.02.2015 along with a challan of Rs.9,600/- to the 2nd respondent-Deputy Commissioner, Greater Hyderabad Municipal Corporation, for grant of trade license. But, no action has been taken. Aggrieved by the same, the present writ petition is filed.

3. Heard the learned counsel for the petitioner and Sri R.Radha Krishna Reddy, learned Standing Counsel appearing for respondents 1 and 2.

4. Learned Standing Counsel for respondents 1 and 2 states that the petitioner was already granted Provisional Trade License under Sections 521 and 622 of the Greater Hyderabad Municipal Corporation Act, 1955 (for short 'the Act'), according to which the petitioner has to produce necessary documents within three months and that the petitioner has produced all the documents and after expiry of Provisional Trade License, his case for grant of Trade License will be considered,

subject to compliance of the conditions laid down in Provisional Trade License as well as other conditions, as envisaged under the Act.

5 . In view of the same, the writ petition is disposed of directing the 2nd respondent to consider the representation of the petitioner dated 05.02.2015 for grant of Trade License, after complying with the conditions laid down in the Provisional Trade License issued to the petitioner and also complying with the other conditions, as envisaged under the Act. Since the Provisional Trade License is in force, the respondents-Authorities shall not interfere with the functions of the petitioner except following due process of law. However, it is open for the respondents to take action, if there is any violation of conditions of the Provisional Trade License.

6. With the above observations and directions, the Writ Petition is disposed of. No costs. Miscellaneous petitions, pending if any, shall stand closed.

A.RAJASHEKER REDDY, J

Date: 20-04-2015

Note:

Issue C.C. in three days.

B/o.

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