

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.42071 OF 2016

Dated:02.12.2016

Between:

M/s.A.K. Motors, rep., by its Proprietor,
Mohd. Afzal, S/o.Mohd. Saheb, Muslim,
Aged about 51 years, Occ: Business,
Work Shop H.No.16-11511/D/366,
Moosarambagh, resident of Asmangadh,
Malakpet, Hyderabad

.. Petitioner

And

The State of Telangana, Department of
Municipal Administration, rep., by its
Principal Secretary, Secretariat,
Hyderabad and others

.. Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P. NAVEEN RAO**WRIT PETITION No.42071 OF 2016****ORDER:**

The grievance of the petitioner is that without following due procedure, straight-away the respondent – Corporation issued the proceedings dated 04.11.2016 to close down his Work Shop.

2. Learned counsel for the petitioner submits that the petitioner has been eking out his livelihood by undertaking repair work and is not creating any nuisance. He submits that no complaint is filed by the local residents against him and few persons, who are inimical to him, generated a false complaint. He further submits that if an opportunity is granted to the petitioner, he would explain his stand. He further submits that on 10.11.2016, the petitioner made a representation explaining his version, but without considering the said explanation, the respondent - Corporation is threatening to take coercive action against him to close down the Work Shop.

3. A perusal of the proceedings impugned in the Writ Petition would show that based on the complaint by local residents, the respondent – Corporation straight-away issued the proceedings to close down the Work Shop of the petitioner. It is elementary principle of law that before taking any coercive action, the person shall be put on notice and be afforded due opportunity of hearing and consideration of his explanation. In the instant case, this procedure is not followed. The factum of not issuing prior notice is not disputed by learned counsel for the respondent.

4. Having regard to the same, the Deputy Commissioner, Circle No.4A, Greater Hyderabad Municipal Corporation, the 3rd respondent, is directed to treat the proceedings dated 04.11.2016 as show cause notice to the petitioner. Since learned counsel for the petitioner seeks liberty to the petitioner to make a detailed explanation, the petitioner shall submit a detailed explanation within ten days from today on the said notice and on receipt of such explanation, if any filed, the 3rd respondent shall consider the same and pass appropriate orders. Till orders are passed, the 3rd respondent shall not take any coercive steps against the petitioner. However, if no explanation is filed within the time granted, the proceedings dated 04.11.2016 shall revive and it is open to the 3rd respondent to proceed further in terms of the said proceedings. The petitioner shall not create any nuisance to the local residents till orders are passed by the 3rd respondent.

5. With the above observations and directions, the Writ Petition is disposed of. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

P. NAVEEN RAO, J

Date:02.12.2016

Note:- Issue C.C. in three days.

(B/o)
KH