

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.35971 of 2016

ORDER:

The writ petition is filed questioning the action of the respondents 2 and 3 in issuing the Closure Notices dated 21.10.2016 and sealing of the shops of the petitioners without giving any opportunity to them.

It is the case of the petitioners that the respondent-authorities have seized the shops of the petitioners even without issuing any prior notices or giving any opportunity of submitting the explanations.

The impugned notices state that the notices having been issued on 07.10.2016 itself termed as a closure notice. The language of the closure notice dated 07.10.2016 is identical to the closure notice dated 21.10.2016. In other words, there is no show-cause notice issued prior to making the closure order and the petitioners were not called for to submit the explanations as to why the power under Sections 521 and 522 of the Greater Hyderabad Municipal Corporation Act, 1955, shall not be invoked. Though the learned counsel for the petitioners submits that the Trade License has been taken by the petitioners provisionally on 04.10.2016 that too only on account of payment of money to the Bill Collector, the same cannot be termed as a Trade License. However, considering the nature of the businesses that are being carried on by the petitioners viz., the tailoring/readymade shop, the A.T.M of State Bank, Kirana, General stores and Chicken centre, there is no great urgency in exercising the power to close the establishments without issuance of notices.

In those circumstances, the closure notice dated 21.10.2016 is set aside. However leaving it open to the respondent-authorities to issue notices to the petitioners and after calling for explanations and if the explanations are not satisfactory or running of the respective businesses

are causing inconvenience to general public, the same may be directed to be closed. The respondents shall consider the explanations objectively and pass appropriate orders in accordance with law. Till such time, the final orders are passed on the explanations submitted by the petitioners, no coercive action shall be taken against the petitioners and the petitioners shall be permitted to carry on their respective businesses.

Subject to the above, the writ petition is disposed of. No order as to costs.

Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

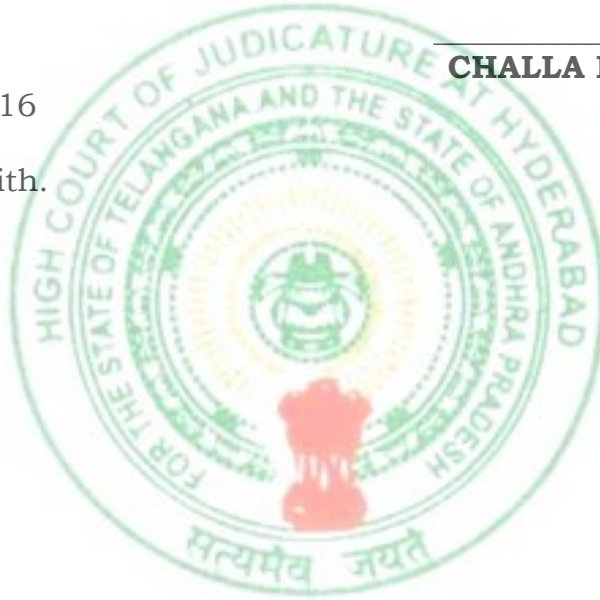
31st October, 2016

Note:

Issue CC forthwith.

B/o.

Gk



CHALLA KODANDA RAM, J

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Date:31.10.2016

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