

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION Nos.8801, 8825 & 8864 of 2012

COMMON ORDER:

These three writ petitions are being disposed of by this common order as they were filed by the same petitioner, challenging the insistence of licence for running its business.

2. The petitioners state that it is engaged in the business of gold loans and it has branches in various cities in the erstwhile state of Andhra Pradesh. Thus, it is carrying on finance business. The respondents claimed to have exercised power under the provisions of the Hyderabad Municipal Corporation Act, 1955, and demanded the petitioner to take licence for continuing its business.

3. No counter affidavit is filed by the respondents till today.

4. The learned counsel for the petitioners submit that in view of the decision of the Supreme Court in ***A.P.Bankers & Pawn Brokers' Association Vs. Municipal Corporation of Hyderabad***¹, the issue raised in these writ petitions is no longer *res integra*, as the Supreme Court held that business of money lenders and pawnbrokers is not a trade or operation dangerous to life or property or likely to cause nuisance, and in view of the same, there is no need for taking licence.

5. In view of the ratio laid down by the Supreme Court in the above case, these three writ petitions are allowed by setting aside the demand made by the respondents for taking licence to run the business of the petitioners. There shall be no order as to costs.

¹ (2001) 3 Supreme Court Cases 646

Miscellaneous petitions, if any, pending in these three writ petitions shall stand closed.

A. RAMALINGESWARA RAO, J

01st November, 2016
Bvv

