

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 20006 of 2016

ORDER:

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Heard learned counsel for the petitioner, Government Pleader for Municipal Administration and Urban Development and Sri Pasham Krishna Reddy, learned Standing Counsel for G.H.M.C. With the consent of both the parties, the writ petition is taken up for disposal at the admission stage itself.

The present writ petition is filed with the following prayer:

“Issue a writ of mandamus declaring the notices dated 13.05.2016 and 20.05.2016 issued under Section 521 (1) and 622 (4) of G.H.M.C.Act in respect of premises bearing No.2-2-305, Opposite Savera Wine Lane, Nagole, L.B.Nagar Circle, Hyderabad, as illegal and contrary to the G.H.M.C.Act; and consequently direct the respondents not to take any further action pursuant to the above notices.”

The grievance of the petitioner appears to be that without issuing notice the Corporation passed an order directing the petitioner to shift the business from the residential area to industrial area within 15 days from the date of receipt of the notice, failing which action is sought to be initiated against him under the provisions the G.H.M.C.Act.

As seen from the record, on 13.05.2016 a notice came to be issued directing the petitioner to renew the license within seven days from the date of receipt of the notice by enclosing Xerox copies of some documents. Pursuant to the said notice,

the petitioner claims to have submitted an explanation on 23.05.2016. While things stood thus, the impugned order came to be issued, wherein the petitioner was directed to shift the business from the residential area to industrial area within 15 days from the date of receipt of the notice without giving any opportunity of hearing.

Learned Standing Counsel for the Corporation submits that earlier licence was granted to the petitioner for selling the product but now the petitioner started manufacturing the said product, which is dangerous and hazardous to the health. It is his case that basing on the complaint made by the residents of that area expressing their grievance with regard to hazardous substance being manufactured in the premises of the petitioner, the impugned order came to be passed.

Though the impugned order is styled as “show cause notice” but the operative portion of the order directs the petitioner to shift the business from the residential area to industrial area within 15 days from the date of receipt of the notice. It appears to be a case where without hearing the petitioner and without giving an opportunity to the petitioner to submit his explanation, the impugned order came to be passed. Hence, the impugned order is liable to be set aside. Since the petitioner is now aware about reasons for passing the order, the said order shall be treated as show-cause notice and the petitioner shall give his reply within ten days from today and thereafter the respondents Corporation shall pass appropriate orders in accordance with law, as early as possible, after hearing the petitioner.

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

Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

**JUSTICE C. PRAVEEN
KUMAR**

22.06.2016
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