

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.31 of 2016

Date:05.01.2016

Between:

G.Kumara Swamy,
S/o G.Yadaiah

..... **Petitioner**

And:

The State of Telangana repled, by its
Principal Secretary, Municipal Administration,
Hyderabad and three others.

.....**Respondents**

Counsel for the Petitioner: Mr. Brahmadandi Ramesh

Counsel for Respondent No.1: AGP for Municipal Admn.
(TS)

The Court made the following:

ORDER:

The petitioner, who is running a business in scrap allegedly in a residential building, filed this Writ Petition aggrieved by notice-I, dated 07.12.2015, issued by respondent No.4 directing him to close the business establishment within one week from the date of the said notice.

The petitioner has pleaded that right from his ancestors' time, his family has been carrying on the business in scrap; that the trade licence which was

obtained by him earlier has expired; and that after receipt of the impugned notice, he has made an application for grant of trade licence.

At the hearing, Mr. Brahmadandi Ramesh, learned counsel for the petitioner, submitted that as the family of the petitioner has been doing the scrap business for a number of years, closure of the said business at this stage would deprive his client of his livelihood.

Mr. N.Rishi Kumar, learned counsel representing Mr. N.Ashok Kumar, learned Standing Counsel for the Greater Hyderabad Municipal Corporation, on instructions, submitted that on the petitioner's own showing, he does not possess trade licence and that as certain metals which are being dealt with by the petitioner are being treated with dangerous chemicals, the same is injurious to the health of the people living in the surrounding localities.

It is not in dispute that the business being carried on by the petitioner requires trade licence from respondent No.2. On the petitioner's own showing, he does not possess trade licence at present. Evidently, after receiving the impugned notice, the petitioner has applied for grant of trade licence. Till such time as he secures trade licence, the petitioner is not entitled to carry on the scrap business.

In this view of the matter, I do not find any illegality or arbitrariness in respondent No.4 in issuing the impugned notice. Hence, I do not find any merit in the Writ Petition and the same is, accordingly, dismissed, however, without prejudice to the right of the petitioner to pursue his application for grant of trade licence.

As a sequel to dismissal of the Writ Petition, W.P.M.P.No.39 of 2016 shall stand dismissed as infructuous.

*JUSTICE C.V.NAGARJUNA
REDDY*

*05th January, 2016
DR*