

**THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM**

**WRIT PETITION No. 34961 OF 2016**

**ORDER:**

The notice dated 03.10.2016 issued by the 3<sup>rd</sup> respondent in rejecting the application of the petitioners for grant of trade licence under the Municipal Corporation Act, as applicable to Warangal, is challenged before this court.

2. The impugned order reads as follows:

“I herewith submit the information for Trade license. As per the report submitted by the Sanitary Inspector, the issue comes under court notice, so we can't accept his application at this movement. So, please apply after solving the issue in Court. Hence, this application is rejected.”

3. It is the specific contention of the learned counsel for the petitioners that the order is a non-speaking order and it does not specify the reasons as to why the application of the petitioners cannot be considered. Though a reference of report of Sanitary Inspector was made in the said rejection order, the same was not supplied to the petitioners to enable them to submit their views or objections with respect to the same.

4. Learned Standing Counsel submits that the trade licence has been rejected on account of the orders of this court in WPMP No.33327 of 2016 in WP No.26935 of 2015 with respect to the same premises.

5. Having considered the respective submissions, I am inclined to set aside the order dated 03.10.2016 as the same does not specify or communicate as to why the trade licence has been refused to the petitioner. Though the learned counsel for the respondent Corporation placed on record the order passed by this court in WPMP No.33327 of 2016 in WP No.26935 of 2015, it is the duty of the respondent, who is entrusted with grant of licence, to specify the reasons as to why a trade licence cannot be granted in favour of an applicant, which would enable the applicants to work out their remedies in accordance with law.

6. As the submission that is being made by the learned standing counsel is across the bar instead of driving an entrepreneur to rush to the court and in opposition to that writ petition a submission being made about the reasons, the same could have been done by the respective authorities which they are duty bound to do. In those circumstances, the order dated 03.10.2016 is set aside giving liberty to respondent Nos.2 and 3 to consider and pass orders afresh specifically setting out the reasons as to why the application of the petitioners cannot be considered within two weeks from the date of receipt of a copy of this order.

Accordingly, the writ petition is disposed of. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

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**JUSTICE CHALLA KODANDA RAM**

October 19, 2016

**LMV**

