

HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO.3234 OF 2010

ORDER:

In this Writ Petition, the petitioner questions the notice issued by the second respondent dated 11.02.2010, calling upon them to close their business establishment on the ground that they were running the same without a valid trade license, as being arbitrary and illegal.

The petitioner claims to be providing cellular telephone service and to have set up various stores to provide customer services one of which is said to be located in Punjagutta, Hyderabad. It is their case that they do not require a trade license to carry on business under Section 521 of the GHMC Act and, consequently, the action of the respondents, in insisting that they obtain a trade license, is arbitrary and illegal.

Section 521 of the GHMC Act, 1955 requires certain things not to be kept and certain trades and operations not to be carried on, without a licence. Section 521(1)(a) stipulates that no person shall, without obtaining a licence, keep in the premises any articles specified in Part I of Schedule 'P'; any article specified in Part II of Schedule 'P' in excess of the quantity prescribed; any articles specified in Part III of Schedule 'P' or cotton, in pressed bales or boars or loose, in quantity exceeding four cwts; or keep upon any premises, horses, cattle or other four footed animals for sale, for letting out on hire etc.

It is only if the petitioner keeps, in the subjected premises, articles specified in Schedule 'P' would they, in terms of Section 521 of the GHMC Act, be required to obtain a trade licence. Sri C.V.

Narasimham, Learned Counsel for the petitioner, would submit that, despite the petitioner having pointed out that they do not fall within the ambit of Schedule 'P', they were nonetheless directed to shut down their premises even without being intimated of which entry of the various Schedules in Schedule 'P', they fell under.

Sri N. Ashok Kumar, Learned Standing Counsel for the GHMC, would fairly state that, since the impugned proceedings does not specifically refer to the entry under which the petitioner falls, the respondent corporation would issue a notice afresh informing the petitioner of which of the entries, in various parts of Schedule 'P', they fall under; and, thereafter, take action in accordance with law.

In the light of the submission of the Learned Standing Counsel, the impugned proceedings are set aside, leaving it open to the respondent-corporation to issue show cause notice afresh furnishing details as mentioned hereinabove' and, thereafter, take action in accordance with law.

The Writ Petition stands disposed of accordingly. The miscellaneous petitions pending, if any, shall stand closed. No costs.

RAMESH RANGANATHAN, ACJ

Date: 27.10.2017.

MRKR