

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 3072 OF 2017

ORDER :

The endorsement dated 26.11.2016 of the 2nd respondent Commissioner, Adoni Municipality cancelling the licence issued in favour of the petitioner for running a tiffin centre is challenged in this Writ Petition.

One of the principal grounds on which the impugned endorsement has been challenged is that no notice was issued, no opportunity was given to the petitioner and the report alleged to have been issued by the Sanitary Inspector, which was made the basis for cancelling the trade licence, was not furnished to the petitioner.

Learned counsel for the petitioner submits that one of the employees of the petitioner, by name Sri K. Nissar Ahmed, S/o K. Vali had misrepresented and at his instance, the trade licence was cancelled.

Learned Standing Counsel for the 2nd respondent Municipality Sri Mohd. Saleem, on instructions, would concede that the endorsement does not disclose any notice having been issued to the petitioner. However, he supports the endorsement on the ground, as is evident from the material placed before this Court, that originally the trade licence was granted in favour of the said Nissar Ahmed, S/o Vali and it is only the petitioner, who has misrepresented and obtained the trade licence in his name. The learned Standing Counsel further submits that the said endorsement dated 26.11.2016 is appealable under Section 345(1)(b) of the Andhra Pradesh Municipalities Act, 1965 and this

Court shall not interfere with the same and may relegate the petitioner to the remedy of appeal.

Having considered the respective submissions, as the endorsement dated 26.11.2016 does not disclose any notice having been issued to the petitioner, the same is set aside on the ground of violation of the principles of natural justice, leaving it open to the respondent authorities to make a fresh order, after issuing notice to the petitioner and after considering the explanation that might be submitted by him.

With this, the Writ Petition stands allowed. No costs.

Consequently, the miscellaneous Applications, if any shall also stand disposed of.

CHALLA KODANDA RAM, J

02nd February 2017

ksld

