

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.16262 of 2010

ORDER:

Heard Sri M.Pratap Singh for petitioner and the Assistant Government Pleader (Home) for respondents.

The petitioner challenges Memo No.L&O/A4/941/2009, dated 05-07-2010 cancelling licence No.37/1993, dated 20.07.1993 as illegal and unconstitutional.

On 29-12-2009, the 2nd respondent issued show-cause notice to petitioner to show cause why the licence standing in the name of petitioner be not cancelled since according to the respondents, the petitioner violated the following conditions:-

Condition No.9: Every person, who has established a public place of halting shall maintain a register as per specimen prescribed by the Commissioner of Police, Hyderabad for those persons, who stay in his place of halting (in which are disclosed the full name of the passenger with parentage, caste, age, occupation and address and the purpose of coming and halting). Every Police Officer may inspect such register in connection with the discharge of his duties.

Condition No.10: No person, who has established a public place of halting shall allow any prostitute women, or the persons of suspicious character and the wander to stay in his place of halting. If any person of suspicious character or a wanderer visits it or such thing against him is disclosed after his visit. Then he shall report the matter to the nearest Police Station and shall disclose

all the events and circumstances of such person to the Police Officer, which he might have come to know.”

The petitioner has given explanation firstly stating that the alleged crime has not happened in the hotel run by the petitioner secondly the stay of the accused was for a brief period and the regular receptionist was not there at the Reception and the person, who was looking after the counter, was unaware of these conditions. Firstly, the petitioner prayed for exonerating the lapses and secondly said that it is not a case for cancelling the very licence. The 1st respondent not being satisfied with the explanation through the Memo impugned in the writ petition has cancelled the licence. Hence, the writ petition.

On 08-07-2010, this Court granted interim suspension of Memo dated 05-07-2010 and the same is subsisting as on date.

Learned Government Pleader, on instructions, makes a statement that the Hotel is being run after obtaining renewal of licence as on date.

After perusing the material available on record, and particularly having regard to the interim suspension granted on 08-07-2010, I am satisfied that the *prima facie* case and also the balance of convenience are in favour of petitioner. Hence, the writ petition is disposed of by making the interim order as final order in the writ petition. The respondents are directed to

consider the request of petitioner for renewal, as and when applied, after scrupulously examining the record maintained by the petitioner, during the period for which the licence was granted, and only on being satisfied that all the conditions are scrupulously followed renewal is granted.

The writ petition is disposed of as indicated above. No order as to costs.

Miscellaneous petitions, if any, pending, shall stand closed.

Dt: 11-04-2017
Pv



S. V. BHATT, J

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Prv

