

THE HON'BLE DR. JUSTICE B.SIVA SANKARA RAO

WRIT PETITION No.21771 OF 2017

ORDER:

This writ petition is filed, under Article 226 of the Constitution of India, for the following relief:

“to issue an appropriate writ, order or direction, more particularly one in the nature of Writ of Mandamus, declaring the notice issued by the 2nd respondent in Notice Dt. 18.4.2017 directing the writ petitioner not to run the trades as per HMC Act in the Godowns of the petitioner by closing such trades with immediate effect and subsequent sealing of the premises as illegal, arbitrary and unreasonable and without issuing notice and without following the due process of law and consequently set-aside the same and further direct the respondents not to interfere with the petitioner's business of storage of packed drums in the godowns.”

2. Heard learned counsel for the petitioner and also the learned Government Pleader for Municipal Administration and learned standing counsel for TSIIC, Sri Prabhakar Reddy, who offers to file vakalat from instructions and perused the prayer in the writ petition with supporting affidavit.

3. The impugned notice dated 18.04.2017 speaks that as per Hyderabad Municipal Corporation Act (HMC Act) activity of health hazardous trade should not to be carried out or

processed in the non industrial areas/residential area which may cause human or property loss of the people of the area and that the running of several chemical godowns and chemical using nits, in and around the residential area of Subhash Nagar, is not only causing health hazard but also likelihood of loss of life in disaster and thereby all the chemical godowns of Jeedimetla industrial area are directed not to run the trades and close the same with immediate effect; with proposed legal action despite non-adherence to the above notice. There is nothing even from the said notice offering to give explanation and to consider whether there is any trade activity and whether any of the items are health hazard or much less likelihood of causing any human loss in case of any contingency.

4. Having regard to the above, instead of quashing the notices, since served on the petitioner by treating as a provisional show-cause notice, the petitioner is directed to submit his written detailed explanation if any within seven days from the date of receipt of the order and the respondents shall dispose of the said representation by passing a reasoned order and communicate the same to the petitioner within one month from the date of receipt of the said explanation and in the meantime, not to take any coercive action. Further grievance if any of the petitioner is left open.

5. Accordingly and with the above direction, this writ petition is disposed of. Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence. No order as to costs.

DR.B.SIVA SANKARA RAO,J

12.07.2017
SS

