

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.23126 OF 2017

ORDER:

This writ petition is filed seeking to issue a writ of mandamus to declare the inaction on the part of Respondent Nos.2 to 4 in considering the representations of the Petitioner dated 04-01-2017, 04-12-2013, 17-01-2014, 18-01-2014 and 18-02-2014 for cancellation of trade licence which is issued in favour of Respondent Nos.7 & 8 for running Spice Bawarchi Hotel in premises No.18-12-418/ D/ 3/ A, 18-12-418/ D/ 3/ B and 18-12-418/ D/ 3/ C situated at Hafezbabanagar, Chandrayangutta main road, Hyderabad, in contravention to the provisions of Hyderabad Municipal Corporation Bye-laws for the regulation of Eating Houses or Hotels 1973 and Section 521 & 622 of GHMC Act, as illegal and arbitrary.

It is the case of the petitioner that he is the owner and possessor of an extent of 311 square yards of land situated at main road, Hafezbabanagar, Chandrayanagutta, Hyderabad and he established a hotel in a portion of the said place. The respondents 7 & 8 approached the petitioner and took his hotel for lease by executing lease deeds from the year 2010 onwards. Subsequently, the respondents 7 & 8 stopped payment of rents and have high handedly demolished the existing wall and trespassed into the other portion of the petitioner in which the petitioner is running a drinking water plant. Thereafter, the respondents trespassed into the entire property of the petitioner and established a hotel in the name and style of "Spice Bawarchi" and obtained a trade licence from the respondents 2 to 4 by producing forged and fabricated documents. The petitioner filed several representations to the respondents 2 to 4 for cancellation of the trade

licence issued to the respondents 7 & 8. But, no action has been taken so far. Hence, this writ petition.

Heard and perused the material available on record.

Considering the circumstances of the case and the grievance of the petitioner, without going into the merits of the case, this Court is inclined to pass the following order:

The respondents 2 to 4 are directed to consider the representations of the petitioner dated 04-01-2017, 04-12-2013, 17-01-2014, 18-01-2014, 18-02-2014, and pass appropriate orders in accordance with law, within a period of eight (8) weeks from the date of receipt of a copy of this order. No order as to costs. As a sequel, miscellaneous petitions pending, if any, shall stand closed.

July 13, 2017  
KTL

RAJA ELANGO, J

