

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.31172 of 2017

ORDER:

Heard learned counsel for the petitioner and Sri Pasam Krishna Reddy, learned Standing Counsel for GHMC.

The order of revocation of the temporary permission granted in favour of the petitioner herein passed by the Deputy Commissioner, Circle-2, GHMC-fourth respondent herein, vide Lr.No.153/Cir-2/GHMC/2017, dated 01.09.2017, is under challenge in the present Writ Petition.

According to the petitioner, it is a registered body bearing Regd.No.1016/2013, established with an aim and intention of performing the Dasara Utsav scheduled to be conducted on 30.09.2017 and cultural programme relating to Dasara festival in municipal stadium at Uppal. Petitioner herein submitted an application for grant of permission to conduct Dasara festival celebrations and Ravana Dhahana programme to be held on 30.09.2017. Vide proceedings in Lr.No.5828/PG/SS/EZ/GHMC/2017, dated 19.07.2017, the GHMC authorities granted temporary permission subject to the conditions stipulated therein. Now, by virtue of the impugned letter dated 01.09.2017, the GHMC authorities cancelled the said temporary permission granted earlier in favour of the petitioner herein. According to

the learned counsel for the petitioner the said action on the part of the GHMC authorities is highly illegal, arbitrary and in violation of the principles of natural justice.

On the other hand, it is submitted by the learned Standing Counsel that the impugned action is permissible even as per the temporary permission granted and also in terms of Section 622 (3) of the Greater Hyderabad Municipal Corporation Act, 1955 (for brevity, 'the Act').

Admittedly, in the present case, the GHMC authorities cancelled the licence granted earlier in favour of the petitioner herein without issuing any notice. In the considered opinion of this Court, the said action is a patent violation of the principles of natural justice. Learned counsel for the petitioner submitted that, pursuant to the permission granted, petitioner invested money for making arrangements for the programmes and that the provisions of Section 622 (3) of the Act enable the GHMC authorities to either suspend or revoke the permission, however, subject to certain conditions stipulated therein. It is the further submission of the learned counsel that no such contingency, as stipulated in the said provision of law, is existing in the present case.

Having heard the learned counsel for the petitioner and the learned Standing Counsel, this Court deems it appropriate to

remit the matter to the GHMC authorities for consideration afresh after issuing notice and affording opportunity of hearing to the petitioner herein.

Accordingly, the Writ Petition is allowed, setting aside the proceedings in Lr.No.153/Cir-2/GHMC/2017, dated 01.09.2017 and the matter is remitted to the GHMC authorities to take action, strictly in accordance with law, after giving opportunity of being heard to the petitioner herein.

As a sequel thereto, miscellaneous petitions, if any, pending in the Writ Petition, shall stand closed. There shall be no order as to costs.

A.V.SESHA SAI, J

14th September, 2017
Tsy

