

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No.12820 of 2017

Order:

Heard learned counsel for the petitioner and learned Government Pleader.

The case of the petitioner is that he has been running a medical shop under the name and style of M/s. Jayasai Vasavi Medical General Stores for the past eight (8) years in the ground floor of the premises bearing H.No.3-3-182, Sawaran Street, Karimnagar, after obtaining necessary license from the competent authorities. The fourth respondent executed a lease deed in the year 2009 and the period of lease expired. There was a dispute between the petitioner and the fourth respondent and the fourth respondent filed O.S.No.41 of 2016 on the file of the Senior Civil Judge, Karimnagar against the Doctor, who is running a hospital in the said premises, for eviction. While so, the third respondent inspected the premises on 13.03.2017 and submitted a report to the second respondent. Based on the said report, the second respondent issued a show cause notice on 13.03.2017 pointing out certain lapses and asking the petitioner to submit his explanation. The petitioner submitted his explanation on 23.03.2017 and requested the second respondent to drop further action. The present Writ Petition is filed alleging that the second respondent on the influence of the fourth respondent is not renewing the license of the medical shop and insisting the petitioner to close the shop. He further submits that one of the lapses pointed out in the show cause notice related to the submission of lease deed which he could not submit due to disputes between him and the fourth respondent.

Since the second respondent issued show cause notice and the petitioner submitted his explanation to the said show cause notice, the same has to be considered by the second respondent in accordance with law. The dispute between the petitioner and the fourth respondent is a matter between them and the second respondent has to pass appropriate orders in accordance with law. Without passing such orders, the second respondent cannot force the petitioner to close the shop.

In the circumstances, the Writ Petition is disposed of directing the second respondent to pass appropriate orders, pursuant to the show cause notice dated 13.03.2017 and the explanation submitted by the petitioner on 23.03.2017 to the said show cause notice, in accordance with law and without passing the orders the second respondent shall not insist the petitioner to close the shop. There shall be no order as to costs.

As a sequel thereto, the miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

A. RAMALINGESWARA RAO, J

Date: 11.04.2017
Nsr