

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO.18613 OF 2010

ORDER:

The petitioner, a ready-made garment shop, sought renewal of its trade license for the year April, 2010 to March, 2011. They were informed, by notice dated 17.07.2010, that they were generating urban solid waste every day; and they would have to pay the legitimate cost service from Bulk Garbage Generators Establishment; and a sum of Rs.11,088/- should be paid as user charges.

Sri M.Sudheer Kumar, learned counsel for the petitioner, would submit that, under Section 490 of the GHMC Act ("the Act" for brevity), the Commissioner is conferred the power to enter into a contract, with the owner or occupier of any premises, to remove rubbish or filth from such premises, on such terms as to the time and period of removal and other matters as may seem suitable to the Commissioner; and on payment of fees at such rate as the Corporation may determine.

Section 490 of the Act enables the Commissioner to enter into a contract with the owner or occupier to remove rubbish or filth from their premises. Admittedly, no such contract has been entered into. While the respondent-authorities may be justified in demanding payment, in case the petitioner was generating bulk garbage in their premises, any action, calling upon them to pay such user charges, could have been resorted to only after they were put on notice and were given an opportunity of being heard. Admittedly, the respondents have not put the petitioner on notice till date.

Suffice it, therefore, to dispose of the Writ Petition directing the respondents not to take any coercive steps against the petitioner except after putting them on notice, and after giving them an opportunity of being heard. The Writ Petition stands disposed of accordingly. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

(RAMESH RANGANATHAN, ACJ)

30th November 2017
RRB

