

HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.38905 of 2017

ORDER.

This Writ Petition is filed seeking the following relief:

“.... to issue any appropriate Writ, Order or direction more particularly one in the nature of Writ of *Mandamus* declaring the action of official respondents No.3, ie., issuance of the Closure Notice U/s. 521 of HMC Act 1955 ( Act 11 of 1956) vide proceedings No.3148/DC-10/SZ/GHMC/2017 dated 09-11-2017 as illegal, null, void and also violation of Articles-19 and 21 of the Constitution of India and consequently, to direct the official respondents not to Interfere in the business activities of the petitioner.”

Heard learned counsel for the petitioner and learned Standing Counsel appearing for respondent Nos.2 and 3.

The petitioner was directed by the Deputy Commissioner, Greater Hyderabad Municipal Corporation, to close down its trade/business in the name and style of “Metro Cement and Hardware” near Jwala Hotel, Bahadurpura Area, Hyderabad by giving a time of 24 hours. Aggrieved thereof, the petitioner having come to this Court *inter alia* submits as follows: – ‘He has earlier filed a suit-O.S.No.3148 of 2015 on the file of the Court of the learned IV Junior Civil Judge, City Civil Courts, Hyderabad; in the said suit, there was an injunction in favour of

the petitioner; but, the said suit was dismissed for default, on 26.7.2017. There was delay in seeking restoration of the said suit; therefore, an application for condonation of delay was filed; the same was also dismissed for default. In seeking restoration of that application, there was delay. Hence, an application was filed for condonation of the said delay. The said application was dismissed, on 01.11.2017, for default. The petitioner is taking appropriate steps for restoration of the applications dismissed for default and for eventual restoration of the said suit.'

In the above said circumstances, learned counsel for the petitioner would submit that interests of the petitioner may be protected till appropriate applications are filed before the appropriate forum.

Learned Standing Counsel appearing for respondent Nos.2 and 3 would submit that the petitioner has already given an undertaking to the competent authority of the Corporation that he would close down his trade/business within two weeks and that the Corporation is prepared to give two more weeks' time to the petitioner to close his subject trade/business.

Having regard to the facts and submissions of the learned counsel, this Court is of the considered view that this Writ Petition can be disposed of with appropriate directions.

Accordingly, the Writ Petition is disposed of giving the petitioner a time of three weeks, from the date of receipt of a copy of this order, to close down his trade/business afore-stated, subject to any orders that he may obtain from an appropriate forum in the matters related to the afore-stated civil suit.

As a sequel, the Miscellaneous Petitions, if any, pending shall stand disposed of as infructuous.



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*JUSTICE M. SEETHARAMA MURTI*

*21<sup>st</sup> November 2017*

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