

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.41579 of 2017

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed by the petitioners challenging the notice, dated 27.11.2017.

2. I have heard the submissions of Smt. *Harija Akkineni*, learned counsel for the petitioners, and of Sri *Pasham Krishna Reddy*, learned Standing Counsel for the Greater Hyderabad Municipal Corporation, appearing for the respondents 1 to 3. I have perused the material record including the impugned demand notice.

3. By the impugned demand notice, a demand of Rs.71,250/- towards balance amount of the trade licence fee due and payable by the petitioners is made stating that the Women's Hostel being run in the subject property, which is nearer to the Main Road, comes under category of 'A' and, therefore, the balance amount is payable as per the trade licence revised fee schedule.

4. However, according to the submissions of the petitioners, the respondents 1 to 3 authorities, while issuing the said notice, simultaneously locked the premises of the petitioners after seizing by force the Refrigerator, cooking utensils, etc., in the premises of the petitioners. Aggrieved thereof, the petitioners are before this Court.

5. Learned counsel for the petitioners would submit that the present demand notice was issued without issuing a prior show cause notice and that the petitioners are already having trade licence, which is valid upto one year i.e., till the year 2018, and that the said trade licence is A-category licence though the same has not been mentioned in the trade licence given to the petitioners.

6. Learned Standing Counsel fairly concedes that a show cause notice ought to have been issued before the present demand notice was issued. He also submits that the 2nd respondent is prepared to hand over the premises to the petitioners by removing the lock put over the premises and also the Refrigerator and cooking utensils, if any, seized within a reasonable time.

7. Recording the submissions, the Writ Petition is allowed by setting aside the impugned demand notice and directing the 2nd respondent to forthwith hand over the possession of the subject property to the petitioners by removing the lock put over the premises and also hand over, under proper acknowledgement, the seized Refrigerator and cooking utensils etcetera to the petitioners within 24 hours from the date of receipt of a copy of this order. This order shall not preclude the respondents 2 & 3 from issuing a show cause notice, if they so desire, for recovery of the balance trade licence fee, if any, due from the petitioners as per law.

There shall be no order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

JUSTICE M. SEETHARAMA MURTI

Date: 14th December, 2017

Note: Issue C.C. by tomorrow.

(B/o.)
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