

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

WP.No.7128 of 2018

ORDER :

Heard the counsel for petitioner, the learned Government Pleader for Municipal Administration for 1st respondent, Sri Sampath Prabhakar Reddy, learned Standing Counsel for Greater Hyderabad Municipal Corporation, for respondent nos.2 and 3. None appears for 4th respondent.

2. The petitioners herein have filed this Writ Petition assailing the notice dt.26.02.2018 (impugned herein), issued by the 3rd respondent, under Section 622(4) of the Greater Hyderabad Municipal Corporation Act, 1955 (for short, 'the Act'), asking the petitioner to close down business, and in default threatening to take action under Section 622(4) of the Act mentioning certain reasons in the said order.

3. It is not disputed by Sri Sampath Prabhakar Reddy, learned Standing Counsel for Greater Hyderabad Municipal Corporation for respondent nos.2 and 3, that no show-cause notice was issued to petitioners before passing of the impugned order.

4. It is settled law that compliance with principles of natural justice is necessary before exercising power which visits civil consequences on a citizen (see **Swadeshi Cotton Mills v. Union of India**¹, **Uptron India Limited v. Shammi Bhan and another**², and

¹ (1981) 1 SCC 664

² (1998) 6 SCC 538

D.K. Yadav v. JMA Industries Ltd.³, and such a requirement has to be read into the statute even though it is not specifically mentioned therein.

5. Accordingly, in Section 622(4) of the Act also, this requirement has to be read into.

6. Since this has not been done, there has been a violation of principles of natural justice. Therefore, the Writ Petition is allowed. The proceedings dt.26.02.2018 issued by the 3rd respondent are set aside.

7. Liberty is granted to respondent nos.2 and 3 to issue a show-cause notice to petitioners before exercising power under Section 622(4) of the Act; opportunity shall be given to petitioners to submit explanation; and then reasoned order be passed by them after considering the said explanation, and it shall be communicated to petitioners.

8. Accordingly, the Writ Petition is allowed with the above directions. No order as to costs.

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

JUSTICE M.S.RAMACHANDRA RAO

Date: 28.03.2018

Ndr/*

³ (1993) 3 SCC 259

