

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.No.21477 of 2018

ORDER:

Heard the learned counsel for the petitioner and Sri Ancha Panduranga Rao, learned Standing Counsel for Respondent Corporation.

2. A notice issued by the Health Officer-Municipal Corporation-3rd respondent herein under Sections 40, 41, 44, 51(2) of A.P. Public Health Act, 1938 and Sections 521, 622(4) of Hyderabad Municipal Corporation Act, 1955 is under challenge in the present writ petition. By virtue of the said notice, the petitioner herein has been asked to stop the business and to inform the signatory of the said notice about the same.

3. According to the petitioner, earlier when a similar notice was issued on 13.9.2017, petitioner gave a reply to the Respondent Corporation bringing to their notice about the steps taken to curtail the pollution, if any. Thereafter, by way of endorsement dated 18.11.2017, the Health Officer of the Respondent Corporation called for certain particulars from the petitioner herein. Now by way of notice under challenge on the ground that there are certain complaints from the neighbours, the petitioner herein is asked to close down the business.

4. According to the learned counsel for the petitioner, the said action on the part of the Respondent authorities is highly illegal, arbitrary and violative of principles of natural justice. It is the further submission of the learned counsel that the impugned notice is completely bereft of particulars of the persons who made the complaint and that it is the duty of the 3rd respondent to verify the premises, but no such steps were taken by the respondents.

5. Having regard to the submissions made by the learned counsel for petitioner and having regard to the nature of controversy, this Court deems it

appropriate to dispose of the writ petition, keeping it open to the petitioner to submit explanation to the impugned notice dated 9.5.2018 issued by the 3rd respondent within a period of (10) days from the date of receipt of this order. If any such explanation is made within the time stipulated, the same be considered and appropriate orders be passed strictly in accordance with law. Till the said exercise attains finality, no coercive action pursuant to the impugned notice shall be taken by the Respondents.

6. The writ petition is accordingly disposed of. As a sequel, the miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

Date: 25.6.2018
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A.V.SESHA SAI, J

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