

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

WRIT PETITION No.39021 of 2018

ORDER:

Heard learned counsel for the petitioner, learned Government Pleader for Home and Sri Sampath Prabhakar Reddy, learned Standing Counsel for GHMC, apart from perusing the entire material available on record.

An order, dated 20.10.2018, passed by the third respondent herein, vide Rc.No.DM/0271/2018, is under challenge in the present Writ Petition.

By way of the said questioned order, the third respondent herein ordered cancellation of the 'No Objection Certificate' for occupancy. Petitioner herein is a cinema theatre. Earlier, by virtue of an order, dated 09.06.2015, vide proceedings in Rc.No.74/AD/FPW/GHMC/2018, the Commissioner, GHMC, Hyderabad-fourth respondent herein granted 'No Objection Certificate' in favour of the petitioner herein valid for a period of three years. By way of the order under challenge the third respondent herein cancelled the said 'No Objection Certificate'.

It is submitted by the learned counsel for the petitioner that the questioned action is highly illegal, arbitrary and violative of the principles of natural justice.

On the other hand, it is submitted by the learned Standing Counsel that there exists no infirmity nor there is any

illegality in the impugned order and, in the absence of the same, the impugned action is not amenable for any judicial review under Article 226 of the Constitution of India.

A perusal of the impugned order, in clear and vivid terms, discloses that, prior to resorting to the impugned action, the third respondent herein did not issue any show cause notice to the petitioner herein nor afforded any opportunity of hearing to the petitioner. In the considered opinion of this Court, the said action on the part of the respondents, cannot be sustained and the same is in violation of the principles of natural justice.

For the aforesaid reasons, Writ Petition is allowed, setting aside the impugned order, dated 20.10.2018, issued by the third respondent herein vide Rc.No.DM/0271/2018. However, it is open for the respondent-GHMC authorities to issue a show cause notice and to pass appropriate orders, strictly in accordance with law, after giving opportunity to the petitioner herein. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this Writ Petition, shall stand closed.

08th November, 2018
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A.V. SESA SAI, J