

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 40989 of 2018

ORDER:

1) Heard learned counsel for the petitioner and Sri Sampath Prabhakar Reddy, learned Standing Counsel for G.H.M.C. With the consent of both the parties, the writ petition is disposed of at the admission stage.

2) The present writ petition came to be filed seeking issuance of writ of mandamus declaring the action of the respondents 3 and 4 in issuing the notice dated 30.10.2018 to the petitioner under Section 521 (1) and 622 (4) of Greater Hyderabad Municipal Corporation Act, 1955 (for short "the Act") with a direction to clear the dumped scrap and shift the godown to outskirts of G.H.M.C. limits immediately and submit explanation within 24 hours, otherwise necessary action will be initiated under Section 622 of the Act as illegal and arbitrary.

3) The averments in the affidavit filed in support of the writ petition would show that initially on 30.08.2018 two show-cause notices came to be issued, to which the petitioner is said to have submitted explanations on 31.08.2018 and 04.09.2018, enclosing the copy of the permission etc. Without considering the explanations, the impugned show-cause notice

came to be issued on 30.10.2018 directing the petitioner to close the business within twenty four hours, failing which necessary action will be initiated under Section 622 of the Act, to which also the petitioner is said to have submitted an explanation on 01.11.2018.

4) Sri Sampath Prabhakar Reddy, learned Standing Counsel for the Corporation would submit that the explanation dated 01.11.2018 submitted by the petitioner to the show-cause notice dated 30.10.2018 will be dealt with by the authorities in accordance with law.

5) At this stage, the learned counsel for the petitioner would submit that till the orders are passed, the possession of the petitioner and running of the unit may be protected.

6) Having regard to the above, the writ petition is disposed of holding that the authorities concerned by treating the notice, dated 30.10.2018, which is filed along with the Writ Petition as a show cause notice and the explanation dated 01.11.2018 submitted by the petitioner, be treated as reply to the said notice, shall pass appropriate orders by taking into consideration the explanation submitted by the petitioner dated 01.11.2018 to the show-cause notice dated 30.10.2018 in accordance with law, at the earliest. Till such time, *status quo* as on today shall be maintained.

6) Consequently, miscellaneous petitions pending, if any, shall stand dismissed. There shall be no order as to costs.

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JUSTICE C. PRAVEEN KUMAR

14.11.2018

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