

**THE HONOURABLE SRI JUSTICE P. KESHA RAO**

**WRIT PETITION No.4043 of 2013**

**ORDER:**

There is no representation on behalf of the petitioner.

2. The prayer sought in the writ petition is as under:-

“...to issue a Writ of Mandamus or any other writ under Article 226 of the Constitution of India directing the respondents herein not to insist and compel the petitioners to obtain licence under Section 21 (F) (i) of the Hyderabad City Police Act and not to compel the petitioner to close down for not obtaining the licence and issue any other order or direction that may be found necessary in the circumstances of the case.”

3. A counter-affidavit is filed on behalf of the respondents. From the perusal of the said counter-affidavit, it is revealed that under Section 21 of the Hyderabad City Police Act (for short, ‘the Act’), the Commissioner of Police, Hyderabad, is empowered to make rules relating to license for or regulating relating to the matters where it is likely to cause inconvenience, delay, danger or damage to the residents or the persons passing in the vicinity, prohibition and keeping of a place of public amusement or place of public entertainment. It is further mentioned in the counter-affidavit that the allegations of the petitioner that in the second week of November 2012, the officials of the 2<sup>nd</sup> respondent are visited the petitioner’s club and orally directed them to obtain licence under Section 21 (1)(f)(i) of the Act and further directed to close down the club till the

licence is granted are baseless and incorrect. They are created only for the purpose of filing the present writ petition.

4. Though a counter-affidavit is filed, to rebut the allegations made in the counter-affidavit no reply affidavit is filed. Thus, when the specific allegations made in the counter-affidavit are un-rebutted, this Court is of the opinion that there are no merits in the writ petition and the same is liable to be dismissed.

5. Accordingly, the writ petition is dismissed.

Miscellaneous petitions pending, if any, shall stand dismissed.

No order as to costs.

11<sup>th</sup> November 2019

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**P. KESHA VA RAO, J**

