

THE HON' BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.970 of 2019

ORDER:

The petitioner-Toddy Tappers' Cooperative Society, represented by its President K. Veeresh Goud s/o late K. Yadaiah Goud, filed this writ petition under Article 226 of the Constitution of India, aggrieved by the action of the respondent authorities in trying to demolish the premises of the petitioner on the ground that it has no valid licence to run the toddy shop.

2. It is averred in the writ affidavit that the petitioner is the occupier of premises bearing No.6-39/1, Prashanth Nagar, Balanagar Mandal, Medchal-Malkajgiri District, and is running a toddy shop under the licence granted by the Excise Department. The petitioner asserts that it is in possession of the premises for the past 12 years. While things stood thus, the officials of respondent No.1 affixed a Notice on the door of the petitioner's premises wherein it is stated that the premises would be demolished. The petitioner asserts that the toddy shop in question is only a temporary asbestos structure and, as a matter of fact, no Notice was issued to the petitioner before affixing such a notice on the premises.

3. On the other hand, the learned Standing Counsel for the respondent-Municipality, on instructions, submits that the Notice dated 19.06.2018 under Section 452(1) of the Greater Hyderabad Municipal Corporation Act, 1955 (for short, 'the GHMC Act'), was issued in the name of A.Jeeth Rao and A.Raghavendra, residents of 11-5-2.5/1, Bhavani Nagar, Moosapet, Kukatpally, Hyderabad, who are the owners of the premises in question, as per the records maintained by the municipal authorities. Learned Standing Counsel further submits that no Trade Licence was obtained by the petitioner

even for running toddy business, as required under municipal laws. In those circumstances, the learned Standing Counsel opposed granting of any interim order in this case.

4. Having regard to the respective submissions, and there being no dispute with regard to the occupation of the premises by the petitioner, in terms of the GHMC Act, which provides for issuance of notice to the occupier of the premises before taking any action, the writ petition is disposed of with a direction to the respondent authorities not to carryout any demolition without issuing a specific notice to the petitioner calling for its explanation. It shall be open to the petitioner to submit its explanation as and when such a notice is issued by the respondent authorities; and the explanation that may be submitted by the petitioner shall be considered by the respondent authorities before taking any action, in accordance with law.

No costs. Miscellaneous petitions, if any pending, shall stand closed.

JUSTICE CHALLA KODANDA RAM

23rd January, 2019

KSM

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