

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

W.P.No.7074 of 2019

ORDER

Heard learned counsel for the petitioner, learned Government Pleader for Municipal Administration for the 1st respondent and Sri L. Venkateswar Rao, learned Standing Counsel for the 2nd and 3rd respondents.

2. This writ petition is filed seeking to declare the action of the 3rd respondent in seizing the petitioner's commercial establishment of automobile sale showroom i.e., M/s. Jayashree Automotives, situated at H.No.3-6-260/A/G/1, Madhuri Mansion, Himayatnagar, Hyderabad, without passing final orders or giving final notice pursuant to notice dated 12.03.2019 and not removing the seal/seizure even after submitting the relevant documents and licenses through representation dated 01.04.2019, as illegal and arbitrary.

3. The petitioner asserts that it has been running automobile workshop by selling two wheelers and it had obtained trade licence for the same in the year 2012-13, which is being renewed from time to time. It asserts that the 3rd respondent issued notice dated 12.03.2019 with wrong Municipal number. But, as the Proprietor of the petitioner was out of Station, explanation could not be submitted immediately before the 3rd respondent. The respondents, however, without giving notice and without calling for

explanation, had sealed the premises of the petitioner, which is illegal and contrary to the provisions of the Greater Hyderabad Municipal Corporation Act, 1955 (for short 'the Act'). Petitioner further asserts that it has submitted a detailed explanation on 01.04.2019 to the 3rd respondent and the same is required to be considered and necessary orders be passed.

4. Learned Standing Counsel submits that the allegation in the notice is to the effect that the petitioner had failed to obtain trade license for the past seven years and further, it had converted the residential building into commercial premises in contravention of the provisions of Section 442 of the Act, and that if the petitioner seeks to convert the residential building for any other purpose, it is required to obtain permission by paying necessary fees, and admittedly, as the petitioner has not approached the authorities, the action of the respondents cannot be found fault.

5. Having regard to the facts and circumstances and as the petitioner has already submitted its explanation on 01.04.2019 in response to the impugned notice, without going into the merits of the matter, I deem it appropriate to direct the respondents to consider the said explanation and pass necessary orders in accordance with law, within a period of one week from the date of receipt of a copy of this order.

6. Subject to the above, the Writ Petition is disposed of. No order as to costs.

7. Miscellaneous petitions, if any pending in this writ petition, shall stand closed.

CHALLA KODANDA RAM, J

3rd April, 2019

Note:
Issue CC tomorrow.

sj

