

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 21374 of 2019

ORDER:

This writ petition is filed for the following relief:

“....to issue a writ order or direction more particularly one in the nature of Writ of Mandamus, declare the action of the 3rd respondent in issuing the impugned Second Closer Notice directing the Petitioner to stop the trade and close the premises within 24 hours from the date of receipt of notice is arbitrary, unreasonable and without having any power or authority and accordingly set aside the impugned Second Closer Notice of the 3rd respondent of the vide Lr.No.143/H&S/C-21 GHMC/2019-2020 dated 23-09-2019 and consequently direct the respondents not to interfere with the business of the M/s Bhagyoday Timber Traders of the petitioner....”

When the matter is taken up, it is submitted by the learned counsel for the petitioner as well as learned Standing Counsel for respondent Nos.2 to 4 that the issue raised in the present Writ Petition is squarely covered by the common order dated 25.09.2019 passed by this Court in Writ Petition Nos.21210 and 21211 of 2019

Relevant portion of the aforesaid order reads as under:

“In that view of the matter, the impugned notice dated 23.09.2019 is unsustainable and is, accordingly, set aside. However, considering the nature of allegations against the petitioners, particularly, causing pollution by running timber business units in a residential locality, and there being no fire safety measures incorporated in their business operations, and further considering that the impugned notice 23.09.2019 mentions certain other violations which are not mentioned in the first Show Cause notice dated 22.05.2019, it would be open to the respondent authorities to issue a fresh Show Cause notice by clearly setting out the violations found, and

afford a reasonable opportunity to the petitioners to submit their explanation. On furnishing their explanation, the respondent authorities shall consider the same and pass necessary orders, in accordance with law, by also taking into consideration the previous explanation dated 28.05.2019.

Accordingly, the writ petitions are disposed of. No costs. ”

Following the aforesaid order and for the reasons stated therein, this Writ Petition is also disposed of in terms thereof.

Miscellaneous petitions, if any, pending in this Writ Petition shall also stand disposed of. There shall be no order as to costs.

CHALLA KODANDA RAM, J

Dt:26.09.2019

kdl

