

HON'BLE SRI JUSTICE T. VINOD KUMAR

WRIT PETITION NO.25139 OF 2019

ORDER:

Impugning the notice dated 09.11.2019 issued by the 3rd respondent under Sections 521, 564 and 622 of GHMC Act, the present Writ Petition has been filed.

Heard the learned Counsel for the petitioner and Sri Sampath Prabhakar Reddy, learned Standing Counsel appearing for respondents 1 to 3.

Learned Counsel for the petitioner would submit that the petitioner has been running a Papad manufacturing unit, after obtaining the trade licence since 2004 and the same is renewed regularly. Learned Counsel would submit that by the impugned proceedings dated 09.11.2019 served on the same day, the 3rd respondent directed the petitioner to vacate the premises in seven days on the ground that the petitioner is running Papad manufacturing unit in the multi zone. The learned Counsel would further submit that though the impugned proceeding is termed as notice, in effect it is an order inasmuch as the authority has already predetermined the issue by virtue of the directions contained therein.

Having regard to the submissions made and perusing the documents, the impugned order issued by the 3rd respondent though termed as notice, no explanation is called from the noticee and on the other hand contains direction to

vacate within the period specified. Thus, this court is of the view that impugned notice issued by the 3rd respondent is in clear violation of principles of natural justice and calls for interference.

Accordingly, the impugned notice/proceeding issued by the 3rd respondent dated 09.1.2019 is set aside. However, the respondent authorities are at liberty to initiate proceedings afresh, issuing notice and after affording an opportunity of hearing to the petitioner. The Writ Petition is disposed of. No order as to costs.

The miscellaneous petitions pending, if any, shall also stand dismissed.

T. VINOD KUMAR, J

Date: 14.11.2019.

MRKR