

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.47887 of 2018

ORDER:

In this writ petition, the grievance of the petitioner is that based on the complaint given by respondent No.3, the premises in which it is carrying on business has been sealed without issuing any notice.

Learned counsel for the petitioner submits that the petitioner had in fact obtained a provisional trade licence for the financial year 2018-19.

Learned Standing Counsel for respondent No.2 submits that the photographs filed by the petitioner would go to confirm that it was running the business in the subject premises without obtaining any licence as required under the Greater Hyderabad Municipal Corporation Act, 1955 (for short 'the Act'), as such, the sealing of the premises cannot be found fault with.

Having regard to the respective submissions, inasmuch as Section 461-A of the Act mandates issuance of prior notice and calling for explanation and as it is not the case of respondent No.2 that the petitioner was put on notice alleging that he is running the business without obtaining trade licence, which is a violation under Section 461-A of the Act and further, whether the petitioner's business is causing pollution and nuisance is required to be objectively considered by the respondent authorities keeping in view the businesses that are being permitted by them

in the surrounding areas and in the present case, admittedly, no notice was issued to the petitioner before sealing the premises, the writ petition is disposed of setting aside the order of seizure, however, leaving it open to the respondent authorities to take action against the petitioner in accordance with law.

Miscellaneous Petitions, if any pending shall stand disposed of. There shall be no order as to costs.

Dt:02.01.2019
kdl

CHALLA KODANDA RAM, J

