

THE HON'BLE SMT. JUSTICE P.MADHAVI DEVI

W.P. No.12432 of 2022

ORDER:

This writ petition has been filed seeking a writ of mandamus declaring the action of the 2nd respondent in not removing the seal of shop bearing Municipal No.8-3-228/6, Rahmatnagar, Hyderabad by misinterpreting the orders of this Court dated 15.09.2021 passed in W.P. No.17275 of 2021 and not considering the representation of the petitioner dated 03.02.2022 as illegal and arbitrary.

2. It is the case of the petitioner that he is the owner of the Shop bearing Municipal No.8-3-228/6, Rahmatnagar, Hyderabad and he let out the said premises to one Sri Shabbir Khan for rent for running the cement and steel business. There was a direction to seal the premises and when the said person approached this Court, this Court held that he cannot run the cement and steel business in the said building as it was a residential zone. However, this Court directed the said tenant to vacate the premises and take the material placed by him in the said premises.

3. It is now submitted that the tenant has already vacated the premises and the petitioner has made an application for permission for commercial use of the building which is on other roads than on commercial roads. Vide orders dated 14.02.2022 the provisional permission was given to the petitioner however due to the order of this Court subject premises remained sealed.

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4. It is submitted by the learned counsel for the petitioner that in view of the orders of this Court in W.P. No.17275 of 2021 dated 15.09.2021, the respondents are refusing to remove the seal though the tenant has vacated the subject premises and the provisional permission has also been granted to him and now he intends to let out the subject premises for commercial use permitted under the provisional permission.

5. The learned Standing Counsel Sri Pasham Krishna Reddy is also heard.

6. Having regard to the fact that the tenant, who was running the commercial shop, has already vacated the subject premises and that the direction of this Court to seal the premises was only to see that the residential premises is not put to commercial use, now that the petitioner has obtained provisional permission from the respondents for using the said premises for commercial use other than the usage permitted on commercial roads, the respondent No.2 is directed to remove the seal and after verification as to purposes for which the petitioner is permitted to let out the subject premises, the petitioner may be permitted to do so.

Accordingly, this writ petition is disposed of. No order as to costs.

Miscellaneous applications, if any pending, shall also stand dismissed.

JUSTICE P.MADHAVI DEVI

Date: 10.03.2022

LSK

