

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION No.13276 of 2022

ORDER:

This Writ Petition is filed seeking a *mandamus* to declare the action of the 3rd respondent – Corporation in issuing the notice dated 11.03.2022 to the petitioner directing seizure / closure of premises bearing No. 2-2-1121/3/K, Ratna Residency, New Nallakunta, Hyderabad as arbitrary and illegal.

2. The case of the petitioner is that they have been running a hostel in the subject premises and some of the residents who developed grudge for not giving consent or acceptance for demolition of the building, gave a false complaint to the 2nd respondent stating that the petitioner without obtaining licence is running the hostel. It is stated that the respondents, without verification of the facts, had given a notice dated 25.02.2022 along with other notice dated 14.01.2022. According to the petitioner, they received the notice dated 14.01.2022 on 26.02.2022. The petitioner is stated to have given the reply on 26.02.2022, but however, the impugned order came to be passed on 11.03.2022 whereunder the petitioner was directed to close the premises by 11.00 A.M. on 14.03.2022.

3. Learned counsel for the petitioner Sri G. Vasantha Rayudu submits that without considering the explanation given by the petitioner, the respondents passed the impugned order which is arbitrary and illegal.

4. Learned Standing Counsel for the Corporation Sri Pasham Krishna Reddy submits that basing on the complaint given by the residents of the building to the effect that the

petitioner is running a ladies hostel and causing lot of inconvenience to them, the respondent – Corporation had issued the notice. It is submitted that the Corporation found that 'No Objection Certificate' was given by the persons who are not residing in the building and the trade licence is a provisional licence, hence, the impugned order was passed, duly following the procedure in law. Learned Standing Counsel therefore, submits that the Writ Petition is liable to be dismissed.

5. A perusal of the notice dated 04.01.2022 shows that during the inspection, it was observed that the establishment is running the trade without any trade licence and parking provision / No Objection Certificate. The petitioner had submitted explanation on 28.02.2022 stating that she obtained provisional trade licence dated 24.11.2021, got building permission and paid property tax up-to-date and there is a sale deed in the name of the petitioner, certificate of transfer, hence, they requested the respondents to consider their case. The impugned order dated 11.03.2022 was in a printed format wherein all the details were written by filling up the blanks. While passing the order, the respondents are duty-bound to give reasons, particularly taking into consideration the explanation submitted by the petitioner, but in the impugned order, no such reasons are assigned, except asking the petitioner to close the premises by 11.00 A.M. on 14.03.2022 and that some of the persons are not residing at the premises. The order passed by an authority as contemplated under the provisions of the Greater Hyderabad Municipal Corporation Act should be a speaking order duly assigning reasons. The learned Standing Counsel for the Corporation by way

of arguments cannot supplement or supplant anything. Therefore, the order impugned which is bereft of any reasons is liable to be set aside.

6. The Writ Petition is accordingly, allowed by setting aside the notice dated 11.03.2022. The petitioner shall submit his explanation along with documents, if any to the Corporation within two days from today. The respondents are directed to consider the same and pass appropriate orders by giving personal hearing to the petitioner within a period of one week from today, in accordance with law. No costs.

7. The miscellaneous Applications, if any shall stand closed.

LALITHA KANNEGANTI, J

14th March 2022

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