

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

(Special Original Jurisdiction)

**WEDNESDAY, THE TWENTY SEVENTH DAY OF APRIL
TWO THOUSAND AND TWENTY TWO**

PRESENT

THE HONOURABLE SMT JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO: 22231 OF 2022

Between:

Sri Lakshmi Sawmill and Timber Depot, Represented by its owner Kotoju Omkarachary S/o Ramaswamy, Age.75 Years, Occ.Business R/o Husnabad, Siddipet, Siddipet District

...PETITIONER

AND

1. State of Telangana, Rep.by its Principal Secretary, Municipal Administration and Urban Development Department, Secretariat Buildings, Saifabad, Hyderabad.
2. Husnabad Municipality, Rep.by Commissioner, Husnabad Town and Mandal, Siddipet District.
3. The District Forest Officer, Siddipet, Siddipet District

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ or order or direction more particularly one in the nature of Writ of Mandamus declaring the Notice vide Roc No.F1/74/2022, dated 25/04/2022 issued by the Respondent No.2 for removal of the petitioner business place forthwith within 3 days, as illegal, arbitrary and violative of Articles 14 and 19(1)(g) of the Constitution of India apart from being violative of principles of natural justice and consequently set aside the said Auction Notice, dated 25/04/2022 in respect of the petitioner's business concerned and consequently direct the Respondents to allow the petitioner to continue businesses in the same locality.

IA NO: 1 OF 2022

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the Notice vide Roc No.F1/74/2022, dated 25/04/2022 issued by the Respondent No.2 for removal of the petitioner business place forthwith within 3 days businesses situated in Municipal limits of Husnabad Town and Mandal, Siddipet District. pending final disposal of the main writ petition.

Counsel for the Petitioner: SRI. G .ESWARAIAH

Counsel for the Respondent NO.1: GP FOR MCPL ADMN URBAN DEV

Counsel for the Respondent NO.2: SRI. N.PRAVEEN KUMAR (SC FOR MC)

Counsel for the Respondent NO.3: GP FOR FOREST

The Court made the following: ORDER

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION No.22231 of 2022

O R D E R:

This writ petition is filed questioning the notice vide Roc No.F1/74/2022 dated 25.04.2022 issued by the respondent No.2 referring to the notices which were issued on 09.07.2021 and 07.08.2021 directing the Proprietor of the petitioner Saw Mill to shift the business from Rao's Colony, Husnabad within three (3) days from the date of receiving the letter.

2. Mr. G. Eswaraiah, learned counsel appearing on behalf of the petitioner Saw Mill submits that earlier when the notices dated 09-07-2021 and 07-08-2021 were issued, a detailed explanation was submitted on behalf of the Petitioner Saw Mill to the said show cause notices. He submits that now all of a sudden, the present proceedings dated 25.04.2022 were issued by the respondents directing the Proprietor of the petitioner Saw Mill to shift his business.

3. Mr. N. Praveen Kumar, learned Standing Counsel for Municipal Corporation submits that earlier notices were issued by them. He also does not dispute the fact that no orders are passed pursuant to the said show cause notices.

4. When the respondents have issued notices dated 09-07-2021 and 07-08-2021, they failed to take any action and along with the Writ Petition, reply dated 12.08.2021 given on behalf of the petitioner Saw Mill is also filed. It appears that no orders are passed by the respondents considering the said reply and straightaway the impugned proceedings dated 25.04.2022 were issued.

5. In view of the above, this Court deems it appropriate to set aside the impugned proceedings dated 25.04.2022 directing the respondent No.2 to consider the reply dated 12.08.2021 submitted on behalf of the petitioner Saw Mill and pass appropriate orders within a period of four (4) weeks from the date of receipt of copy of the order. Accordingly, the writ petition is disposed of. No order as to costs.

Miscellaneous petitions, if any pending in this writ petition shall stand closed.

SD/-B.SATYAVATHI
ASSISTANT REGISTRAR

//TRUE COPY//

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SECTION OFFICER

To,

1. The Principal Secretary, Municipal Administration and Urban Development Department, State of Telangana Secretariat Buildings, Saifabad, Hyderabad.
2. The Commissioner, Husnabad Municipality, Husnabad Town and Mandal, Siddipet District.

Contd. ---

3. The District Forest Officer, Siddipet, Siddipet District
4. One CC to SRI. G ESWARAIAH Advocate [OPUC]
5. Two CCs to GP FOR MCPL ADMN URBAN DEV (TG) ,High Court for the State of Telangana. [OUT]
6. One CC to SRI. N.PRAVEEN KUMAR (SC FOR MC),Advocate [OPUC]
7. Two CCs to GP FOR FOREST,High Court for the State of Telangana. [OUT]
8. Two CD Copies.
9. One Spare Copy.

GB


MMA

HIGH COURT

DATED:27/04/2022

ORDER

WP.No.22231 of 2022



DISPOSING OF THE WP
WITHOUT COSTS.

ATM (11)
2/7/2022