

**HIGH COURT FOR THE STATE OF TELANGANA
(Special Original Jurisdiction)**

**FRIDAY, THE TWENTY NINTH DAY OF MAY
TWO THOUSAND AND TWENTY**

PRESENT

THE HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION NO: 6900 OF 2020

Between:

Mohd. Ahmed Ali, S/o. Mohd. Chand, Aged about. 48 Years, Occ. Business, Prop
M/s. Royal Designer Tiles, 8-1-207/11, Tatanagar, Hyderabad.

...PETITIONER

AND

1. The State of Telangana, Rep by its Principal Secretary, Municipal Administration and Urban Development Department Secretariat, Hyderabad.
2. Greater Hyderabad Municipal Corporation, The Commissioner, Rajendranagar, Ranga Reddy District
3. The Deputy Commissioner Rajenderanagar Circle 11, Greater Hyderabad Municipal Corporation, Rajendranagar, Ranga Reddy 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 Direction or order more particularly one in the nature of WRIT OF MANDAMUS by declaring the impugned notice which is undated vide Closure notice No. 007/113/C, issued by the 3rd Respondent herein as Null and void, illegal, arbitrary, irrational, unconstitutional and contrary to the provisions of GHMC Act, 1955, and consequently to set aside the same, in the interest of justice.

IA NO: 1 OF 2020

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 direct the Respondents herein not to take any coercive steps for closing the unit of the Petitioner herein being run in the premises 8-1-207/11, Tatanagar, Mailardevpally, Ranga Reddy District, pursuant to the closure notice No. 007/113/C issued by the 3rd Respondent herein which is undated, by suspending the said notice, pending disposal of the present writ petition, in the interest of justice.

Counsel for the Petitioner: SRI. PAWAN KUMAR AGARWAL

**Counsel for the Respondent No. 1: GP FOR MUNICIPAL ADMINISTRATION &
URBAN DEVELOPMENT**

Contd.

Counsel for the Respondent Nos. 2 & 3: SRI. N. ASHOK KUMAR, SC FOR GHMC

The Court made the following:

ORDER:

Heard learned counsel for the petitioner, and Sri N. Ashok Kumar, learned Standing Counsel.

It is a case where the closure orders passed under Section 622 of the GHMC Act are challenged with the allegation that as per the impugned order, the petitioner was found to be running the tile manufacturing unit without necessary permissions and also further causing pollution apart from nuisance by storing the clay and other products.

Though the learned counsel for the petitioner, by relying on some photographs in support of his case, submits that there is no nuisance being caused as alleged, as it is not possible for this court to physically examine and come to a conclusion on the aspect of whether the petitioner is causing nuisance and also pollution endangering the neighbouring residents, that too in a residential area, liberty is given to the petitioner to approach the competent authority/authorised officer of the respondent Corporation and seek necessary permission by placing relevant material, which he seeks to rely on, before the authorities for reopening his manufacturing unit. Upon the petitioner approaching the competent authority by placing relevant material in support of his case, the competent authority/authorised officer of the respondent Corporation shall, within a period of two weeks from the date of placing relevant material by the petitioner, consider the same and pass necessary orders, in accordance with law.

Subject to the above, the writ petition is disposed of. No costs. Miscellaneous petitions, if any pending, shall stand closed.

Sd/- THE HON'BLE SRI JUSTICE CHALLAKODANDA RAM

//TRUE COPY//

P. Venkata
REGISTRAR (JUDICIAL II)

18
03/16

[Signature]
SECTION OFFICER

To,

1. The Principal Secretary, Municipal Administration and Urban Development Department, State of Telangana, Secretariat, Hyderabad.

2. The Commissioner, Greater Hyderabad Municipal Corporation, Rajendranagar, Ranga Reddy District
3. The Deputy Commissioner Rajenderanagar Circle 11, Greater Hyderabad Municipal Corporation, Rajendranagar, Ranga Reddy District.
4. One CC to Sri. Pawan Kumar Agarwal, Advocate (OPUC)
5. One CC to Sri. N. Ashok Kumar, SC for GHMC (OPUC)
6. Two CCs to GP for Municipal Administration & Urban Development, High Court for the State of Telangana at Hyderabad (OUT)
7. Two CD Copies.

PM

HIGH COURT

CKR,J

DATED:29/05/2020

ORDER

WP.No.6900 of 2020



Disposing of the WP
Without costs.