

**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: 7171 OF 2020

Between:

Mohammed Haneef Arshad, S/o Late Mohammed Hayath, Aged about 49 years,
Occ. Private Employee, R/o H.No. 19-3-413, Jahanuma Water Tank, Hyderabad,
T.S.

...PETITIONER

AND

1. The State of Telangana, Rept by its Prl Sect MA and UD, Secretariat Building, Hyderabad.
2. The Commissioner, Greater Hyderabad Municipal Corporation, Lower Tank Blind, Hyderabad.
3. The Deputy Commissioner, Greater Hyderabad Municipal Corporation, Circle- 11, Rajendrangar, Hyderabad.

...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, more particularly one in the nature of Mandamus declaring the action of the respondent No. 3 herein in issuing 'Closure Notice' No. 007/84/C, dated -Nil- in a mechanical manner without considering petitioners reply dated 04/03/2020 under duress and without making arrangements for relocation of petitioners business as highly illegal, arbitrary, contrary to public polices, directives of State, clear violation of petitioner fundamental rights and against principles of natural justice, in consequence set aside 'Closure Notice' No. 007/84/C, dated -Nil-.

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 stay all further proceedings pursuant to 'Closure Notice' No. 007/84/C, dated -Nil- issued by respondent No. 3 during pendency of the writ petition

Counsel for the Petitioner: SRI. SYED SHAH QUBULULLAH HUSSAINI

**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 at the stage of admission made the following:

ORDER:

This Writ Petition is filed to declare the action of the 3rd respondent – Deputy Commissioner in issuing 'Closure Notice' dated –NIL– to the petitioner with respect to Maruti Metal Alloys being run in premises bearing D.No. 8-1-207/21, Tata Nagar, Mailardevpally Division, Rajender Nagar, Ranga Reddy District in a mechanical manner without considering his reply dated 04.03.2020 as highly illegal and arbitrary.

Heard learned counsel for the petitioner and learned Standing Counsel for the Corporation Sri N. Ashok Kumar. Both of them desire that the matter be disposed of, at the admission stage.

The grievance of the petitioner is that he had leased out the subject premises to one Sri Narsi Ram, who has been running a metal alloys work shop in the name and style of M/s Maruti Metal Alloys and that a cyclostyled notice dated 27.02.2020 was issued alleging that one Naresh Devasi is running the unit illegally and creating health hazards to surrounding residents by dumping waste on road and burning it. In response to the said notice, the petitioner is stated to have submitted a detailed reply on 04.03.2020, specifically stating that he had leased out the premises to one Sri Narsi Ram, who has been carrying on the business without causing any health hazards as mentioned in the notice and the allegations made against them are incorrect. It is asserted that without considering his explanation, the final order dated –NIL– was passed.

When attention of the learned Standing Counsel was drawn to the final closure notice and the factum of lack of details therein, he submits fairly that the final order dated –NIL– may be set aside, however, giving liberty to the

respondent authorities to make a reasoned order after considering the explanation submitted.

It is pointed out by the learned counsel for the petitioner that his client is the owner of the subject premises, however, no notice was given to him and that though a notice is stated to have served on Sri Naresh Devasi, he is not the person running the unit. In those circumstances, it will be open for the respondent authorities to issue notice to the person, who is running the industry. The petitioner undertakes to furnish the details of the individual, who is running the business in the subject premises.

Having regard to the facts on record and the submission of the learned Standing counsel, the closure notice dated -NIL- is set aside with a direction to the respondent Corporation to consider the explanation submitted by the petitioner and that of the person carrying on the business, if any, objectively and in a fair manner and a reasoned order be made, if warranted.


The Writ Petition is allowed, accordingly. No costs.

Miscellaneous petitions, if any pending, shall stand closed.

Sd/- THE HON'BLE SRI JUSTICE CHALLAKODANDA RAM

//TRUE COPY//


REGISTRAR (JUDICIAL II)
03/16


SECTION OFFICER

To,

1. The Pri Secretary, MA and UD, State of Telangana, Secretariat Building, Hyderabad.
2. The Commissioner, Greater Hyderabad Municipal Corporation, Lower Tank Blind, Hyderabad.
3. The Deputy Commissioner, Greater Hyderabad Municipal Corporation, Circle- 11, Rajendrangar, Hyderabad.
4. One CC to Sri. Syed Shah Qubulullah Hussaini, 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.7171 of 2020



Allowing the WP
Without costs.