

**THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

FRIDAY, THE TWENTY SECOND DAY OF AUGUST ✓
TWO THOUSAND AND TWENTY FIVE

:PRESENT:

THE HONOURABLE SRI JUSTICE B.VIJAYSEN REDDY

WRIT PETITION NO: 25087 OF 2025 ✓

Between:

Mr. Rahul Tapadia, S/o. Raj Gopal Tapadia, Proprietor of M/s. Raj Flavours and
Fragrances, aged 39 years, Occ. Business, R/o. H.No.1-7-1072/A, RTC X Road,
Musheerabad, Hyderabad

Petitioner

AND

1. The State of Telangana, Represented by Principal Secretary, Municipal Department Secretariat, Hyderabad.
2. The Commissioner, GHMC, Near Tank Bund, Basheer Bagh, Hyderabad.
3. The Assistant food Controller, GHMC, Near Tank Bund, Basheer Bagh, Hyderabad.
4. The Food Safety Officer, GHMC, Circle-15, Near Tank Bund, Basheer Bagh, Hyderabad.
5. Pattabhi towers Flat Owners Association, Represented by its Secretary Having its office at 1-7-1072, RTC X Road, Hyderabad.
6. Mr. Sharath Pathipaka, S/o. Not known to Petitioner, Age major, Occ. Not known R/o. H.No.1-7-1072/A, RTC X Road, Musheerabad, 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, Order or Direction more particularly one in the nature of Mandamus, declaring the action of Respondent Nos. 2 to 4 in seizing and sealing the Petitioner's business premises on 20.08.2025 under Section 461A of the GHMC Act, 1955 and under the Food Safety and Standards Act, 2006, without jurisdiction, without due process of law, and without serving proper notice or sample analysis report, as illegal, arbitrary, high-handed, and violative of Articles 14, 19(1)(g), 21 and 300A of the Constitution of India and Consequently direct the Respondent Nos. 2 to 4 to forthwith remove the seal, restore possession of the premises to the Petitioner, and permit the Petitioner to continue his lawful business activity without obstruction, subject to law, and Further declare that no coercive steps shall be taken against the Petitioner except in strict compliance with the provisions of the GHMC Act, 1955 and the Food Safety and Standards Act, 2006, after affording due opportunity of hearing.

IA NO: 1 OF 2025

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 Respondent Nos. 2 to 4 to forthwith remove the seal and restore possession of the Petitioner's premises, enabling the Petitioner to carry on his lawful business activities, pending disposal of WP 25087 of 2025, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Mr. L.Ravi Chander, Senior Counsel appearing for Sri DAMODAR MUNDRA Advocate for the Petitioner, GP FOR MCPL ADMN URBAN DEV for the Respondent No.1, Mr. G. Madhusudhan Reddy for respondent No.2.

**The Court made the following.
ORDER:**

Mr. L.Ravi Chander, learned Senior Counsel, appearing for Mr. Damodar Mundra, learned counsel for the petitioner, submitted that initially GHMC has issued a show cause notice dated 11.06.2025 under the provisions of Food Safety and Standard Authority of India alleging certain violations. In response thereto, petitioner has submitted reply dated 20.06.2025. Thereafter, any notice dated 24.07.2025 has been issued by the GHMC alleging that the petitioner is using toxic chemical fumes including Propylene Glycol, which was reportedly causing respiratory problems among the residents. The petitioner was directed to get Pollution Control Board Certification within three days. The petitioner has given reply to the show cause notice on 01.08.2025.

It is the contention of the learned Senior Counsel that orders have not been passed pursuant to the said two show cause notices nor any enquiry is conducted. However, abruptly property of the petitioner is seized by invoking power under Section 461A of the GHMC Act, 1955.

Prima facie, invocation of provisions of GHMC for the alleged violations under Food Safety and Standards Act, 2006 and Pollution Control Laws is without jurisdiction.

Hence, there shall be interim direction to respondent Nos.2 to 4 to forthwith remove seal and restore possession of subject property to the petitioner, subject to further orders of the Court.

However, enquiry pursuant to the show cause notices dated 11.06.2025 and 24.07.2025 may go on.

**SD/-N.CHANDRA SHEKAR
DEPUTY REGISTRAR**

//TRUE COPY//


SECTION OFFICER

To,

1. The Principal Secretary, Municipal Department Secretariat, State of Telangana, Hyderabad.
2. The Commissioner, GHMC, Near Tank Bund, Basheer Bagh, Hyderabad.
3. The Assistant food Controller, GHMC, Near Tank Bund, Basheer Bagh, Hyderabad.
4. The Food Safety Officer, GHMC, Circle-15, Near Tank Bund, Basheer Bagh, Hyderabad.
5. The Secretary, Pattabhi towers Flat Owners Association, Having its office at 1-7-1072, RTC X Road, Hyderabad.
6. Mr. Sharath Pathipaka, Occ. Not known R/o. H.No.1-7-1072/A, RTC X Road, Musheerabad, Hyderabad.

(For 1 to 6 by RPAD)

7. One CC to SRI DAMODAR MUNDRA Advocate [OPUC]
8. Two CCs to GP FOR MCPL ADMN URBAN DEV, High Court at Hyderabad.
[OUT]
9. One spare copy

HIGH COURT

BVR,J

DATED:22/08/2025

ORDER

WP.No.25087 of 2025

INTERIM DIRECTION

