

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

* * *

WRIT PETITION No.39344 OF 2025

Between:

Bipin Ramdas Ippakayal

...Petitioner

v.

The State of Telangana
Represented by its Principal Secretary
Municipal Administration and Urban Development
Department, Secretariat, Hyderabad and others

...Respondents

DATE OF ORDER PRONOUNCED: 22.12.2025

SUBMITTED FOR APPROVAL:

HON'BLE SRI JUSTICE B. VIJAYSEN REDDY

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|--|---|-----|
| 1. Whether Reporters of Local newspapers
may be allowed to see the Judgments? | : | No |
| 2. Whether the copies of judgment may be
Marked to Law Reporters/Journals. | : | Yes |
| 3. Whether Their Ladyship/Lordship wish
to see the fair copy of the Judgment? | : | Yes |

B. VIJAYSEN REDDY, J

*** HONOURABLE SRI JUSTICE B. VIJAYSEN REDDY**

+ WRIT PETITION No.25546 of 2025

% Date: 22.12.2025

#Bipin Ramdas Ippakayal

... PETITIONER

v.

\$ The State of Telangana
Represented by its Principal Secretary
Municipal Administration and
Urban Development Department,
Secretariat, Hyderabad and others

... RESPONDENTS

! Counsel for the Petitioner: Mr. Y.Shreyas Reddy

^ Counsel for the respondents: Mr. Midde Arun Kumar, learned
Standing Counsel for GHMC;
Learned Assistant Government
Pleader for Home; and Mr. Kaval
Kumar, learned counsel for
respondent No.7

< GIST:

> HEAD NOTE:

? CASES REFERRED:

1. 2005 SCC Online Del 1115 : (2005) 125 DLT 129
2. 2025 SCC Online Raj 4679

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

HONOURABLE SRI JUSTICE B. VIJAYSEN REDDY

WRIT PETITION No.39344 OF 2025

DATE OF ORDER: 22.12.2025

Between:

Bipin Ramdas Ippakayal

...Petitioner

AND

The State of Telangana
Represented by its Principal Secretary
Municipal Administration and Urban Development
Department, Secretariat, Hyderabad and others

...Respondents

ORDER : (ORAL)

This writ petition is filed by the petitioner seeking to declare the action of respondents No.5 and 6 in interfering with his business activity in respect of the property bearing Municipal No.11-5-422/3, admeasuring 720 square feet, situated at Red Hills, Hyderabad, without following due process of law, as being illegal, arbitrary and unconstitutional.

2. Heard Mr. Y.Shreyas Reddy, learned counsel for the petitioner; Mr. Midde Arun Kumar, learned Standing Counsel for GHMC, appearing for respondents No.3 to 5; learned Assistant Government Pleader for Home, appearing for respondent No.6; and Mr. Kaval Kumar, learned counsel for respondent No.7; and perused the material on record.

3. The case of the petitioner is that Ms. Dr.Afzal Jabbar W/o. Dr. Md.Waliuddin, is the absolute owner of the property bearing Municipal No.11-5-422/3, admeasuring 720 square feet, situated at Red Hills, Hyderabad; she is presently residing in the U.S.A. and she has authorized her Special Power of Attorney (SPA) holder by name Mr. Osman Ali to manage and deal with the property. The SPA holder gave the property on lease to the petitioner under lease deed dated 15.10.2025 for running a restaurant in the property. Having taken the property on lease, the petitioner started renovation and interior fit-out works in the property. The petitioner obtained licence bearing TIN NO.0099-051-0053 from respondent No.3 and food safety licence bearing registration No.23625030006142 from the Food Safety and Standard Authority of India (FSSAI) as per the Food Safety and Standards Act, 2006.

4. Learned counsel for the petitioner submitted that commercial activity in the property has not been commenced and the structures are being renovated; substantial investments towards interiors and infrastructure have been made. That on 18.12.2025, upon information given by respondent No.5 that non-vegetarian restaurant is being operated by the petitioner in the property without obtaining any trade licence and in contravention of the order dated 26.11.2025 passed by this Court in W.P. No.35931 of 2025 filed by respondent No.7, respondent No.6 forcibly detained a worker engaged at the property. Learned counsel submitted that respondents No.5 and 6 are repeatedly harassing the

petitioner under the guise of preventing law and order problems and managing traffic and thereby interfering with the renovation works of the petitioner. Learned counsel submitted that in W.P. No.36406 of 2025, there was direction passed by this Court to the respondent authorities to follow due process of law, however, the respondent authorities are interfering with the construction activity under the guise of investigation into the complaints filed against the petitioner. It is further submitted that in the very same building, another restaurant by name 'Matam-Al-Yamani', which serves non-vegetarian food, is being operated since very long time without any interference from any corner and the petitioner is selectively targeted. Therefore, the action of the respondent authorities clearly demonstrates arbitrariness, discrimination and mala fides.

5. Learned counsel for the petitioner submitted that under Section 521(1)(e)(i) of the Greater Hyderabad Municipal Corporation Act, 1955 (for short 'GHMC Act'), matters relating to trade licences fall solely within the jurisdiction of the GHMC and action ought to be have been taken in case of any issue or violation, and hearing ought to have been conducted but instead the respondents are interfering with the business activity of the petitioner, without following due process of law. Thus, interference by the respondent authorities is unsustainable and untenable.

6. Learned Assistant Government Pleader for Home relied on the judgements passed by the High Court of Delhi and the High Court of Rajasthan in **Vinod Kumar v. Municipal Corporation of Delhi and others**¹ and **Aayush Naranian v. State of Rajasthan**², respectively. In **Aayush Naranian**'s case, the impugned order therein dated 17.02.2025 whereby the licence of the petitioners therein to run a meat shop has been cancelled was challenged. The High Court of Rajasthan has taken note of the Standard of Procedure (SOP) dated 22.03.2021 stated to have been issued in pursuance to the provisions contained under Section 269 read with Section 340 of the Rajasthan Municipalities Act, 2009 and it was held as under:

“13. By the impugned order, the respondents have cancelled the licenses of the petitioners to run meat shops on the ground that a public temple is situated within 50 meters of radius from the said shops.

14. According to Clause-4 of the SoP issued by the respondents, meat shops are not permitted to operate within a radius of 50 meters from any religious place, including public temples or educational institutions such as schools, etc. The said regulation aims to maintain harmony and respect towards places of worship and educational institutions like schools. In case of violation of this provision, the authorities are empowered to cancel the license of the concerned shop.

15. Even otherwise, as per Regulation 2.1.2(1)(5) under Chapter 2 read with Schedule-4 under Part IV of the Food Safety and Standards (Licensing and Registration of Food Businesses), Regulations 2011, the minimum distance between the licensed meat shop and any place of worship should not be less than 50 meters.

¹ 2005 SCC Online Del 1115 : (2005) 125 DLT 129

² 2025 SCC Online Raj 4679

19. Hence, it is clear that the meat shops of the petitioners are situated within a radius of 50 meters of the temple in question for which legally the license to run meat shops cannot be granted to them and the same has been rightly cancelled by the respondents.

20. In the considered opinion of this Court, the aforesaid SoP was issued by the respondents, in pursuance of the provisions contained under Sections 269 and 340 of the Act of 2009, which clearly provides for grant of license in favour of any person running meat shops, in case, no temple or school is situated within a distance/radius of 50 meters from such shops. Therefore, under these circumstances, interference of this Court is not warranted. Unless and until the validity of Clause-4 of the SoP is challenged by the petitioner and the same is quashed, the petitioners are not entitled to get any relief. These petitions do not contain any merit and substance which warrants any interference of this Court.”

7. In **Vinod Kumar**’s case, the said writ petition was filed challenging the cancellation of trade licence issued to the petitioner therein for running a Dhabha. The High Court of Delhi has taken note of new policy of the Municipal Corporation of Delhi (MCD) dated 22.11.2004 and it was held as under:

“3. It is claimed that the petitioner was issued a show-cause notice on 23.12.2003 to stop sale of non-vegetarian food. He replied to the notice on 13.11.2004. The petitioner relies upon a recent policy of the MCD dated 22.11.2004, issued after the judgment and order of this Court. That policy reads as follows:

"Location of meat shop –

The meat shop/sale outlet should preferably be a unit of meat market located away from vegetable, fish or other food markets and shall be free from undesirable odor, smoke, dust or other contaminants. Wherever the meat markets are not available, individual meat shop licence can also be granted considering the above factors, which have a direct bearing on the hygiene of premises and health of consumers.

The sale of meat in the city as to fulfil the requirement of non-vegetarian population should be a matter of hygiene and health.

Therefore, it may not be linked with the location of shop to a particular distance from any religious place. However, considering the sentiments of people visiting the religious places, the committee recommended that –

(a) for the purpose of granting the licence to the meat shop, the minimum distance between the licence meat shop and place of worship except Mashed should not be less than 50 metre;

(b) The condition of not less than 50 metres distance from Mashed will apply for the licensed porkshop only:

(c) The condition of 100 metres' distance will apply in case premises is situated directly opposite of the entry gate of religious place of any community.

(d) The explanation of religious place, as contained under para No. 1. 6(b) of the Public Notice of 2002-2003 from the Excise Commissioner, Govt. of NCT of Delhi, shall be adopted, which is as follows.

'For the purpose of Clause (b) above, a religious place would imply a religious place having a pucca structure with a covered area of more than 400 square feet.'

'For the purpose in case of licensed pork meat shop in context of area of religious place having a pucca structure with a covered area should be 200 sq. ft. it stead of 400 sq. ft. covered area.'

All the meat shops located in the vicinity of religious places shall be fitted with black glass doors, which must be kept closed all the times except in case of entry or exit. It must be the responsibility of the meatshop owners to maintain a high standard of hygiene not only inside the shops but also in the way leading to the shops as far as any insanitary conditions due to meat business for example, presence of blood, part of offal, meat scraps on road pavements or other adjoining places etc. are concerned."

5. The respondent-MCD in its counter affidavit stated that in compliance with the previous orders of the Court, show-cause notice was issued and the petitioner was restrained from carrying on sale of non-vegetarian food items. It is also stated that the petitioner's existing registration was never revoked since he had undertaken to restrict business for the sale of vegetarian food only...

6. The MCD states that the policy with regard to non-vegetarian food of raw food products was modified and the minimum distance was reduced to 50 metres if the shop was not situated directly in front of the religious place. If it is so located, the distance should be more than 100 metres.

11. I am of the opinion that in the absence of a challenge to the changed policy, the petitioner's case for issue of licence for sale of all cooked food including non-vegetarian cooked food has to be considered on its merits. Undoubtedly, as per the previous policy such establishments which were located within 100 metres from the vicinity of a religious place could not be issued licences for sale of non-vegetarian cooked food. The petitioner's establishment has been functioning since 1984. However, as per the averments in the petition, the religious institution came into existence in the year 1986. Having regard to all these circumstances and also the allegations of the petitioner that his establishment is not located directly in front of the place of worship but is away and at 60 metres distance, I am of the view that the respondent-MCD ought to consider his application for issue of appropriate licence and pass necessary order, in view of its changed policy.

12. As far as the allegations of impleading the applicant are concerned, there is no substantive challenge to the changed policy. Moreover, more all that the previous order directed was uniform implementation of the existing policy. It nowhere restricted or inhibited the MCD to stick to one policy alone; indeed in terms of Section 420 of the Delhi Municipal Corporation Act it is always open to the MCD to formulate, review, modify or alter its existing policies having regard to the exigencies of the situation and the peculiar circumstances of the case. Policy making is never a static process and cannot be interpreted in the light of what was interpreted by the Court at one point of time. Judgments cannot be construed as an inhibition on the power of the executive authority such as the MCD, to exercise its powers bona fide."

8. Learned Assistant Government Pleader for Home submitted that during the enquiry conducted by respondent No.6, it was found that the petitioner is proposing to establish a non-vegetarian kitchen. The shop of the petitioner is situated within a distance of 100 meters from the Hanuman Temple, which is located on the opposite side of the road. It is submitted that apart from

religious sentiments, Police are required to maintain law and order problems and deal with traffic issues. That as per Section 152(1)(b) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) dealing with public nuisances, the sale of goods injurious to the health or physical comfort of the community is prohibited and can be regulated. Thus, the Police have the authority to recommend the concerned Executive Magistrate/GHMC not to grant trade licence for running meat shop or for sale and consumption of non-vegetarian food.

9. Learned Standing Counsel for GHMC submitted that provisional licence was obtained by the petitioner through self-certification and registration certificate bearing registration No.23625030006142 was also issued by the Food Safety and Standards Authority of India wherein it was shown at Sl. No.8 as “Eggs and Egg products” which comes under non-vegetarian food category. Moreover, the name of the establishment is shown as ‘NRI Live Kitchen’ and the equipment which was installed by the petitioner in the restaurant shows that he is proposing to run non-vegetarian food business.

10. In reply, learned counsel for the petitioner submitted that the licence has been obtained for running petty stall of snacks and tea shop. In any case, the petitioner will undertake that he will not sell non-vegetarian food in the property.

11. Learned Standing Counsel for GHMC submitted that in so far as the contention of the petitioner with regard to another non-vegetarian restaurant being run in the vicinity of the temple, show cause notice dated 20.11.2025 has been issued to the owner of the said restaurant and appropriate action will be taken in accordance with law.

12. Learned Assistant Government Pleader for Home and learned Standing Counsel for GHMC have not been able to cite any provision of law or any statutory rules which prohibit sale/consumption of meat/non-vegetarian food in the vicinity of a place of public worship. However, it is stated that as per Rule 25 of the Telangana Excise (Grant of Licence of Selling by Shop and Conditions of Licence) Rules 2012, permission cannot be granted for sale of liquor (alcohol) within a distance of 100 meters from the places of public worship or educational institutions or hospitals. It is submitted that there is no such similar provision under the GHMC Act.

13. Be that as it may, the sale/ consumption of meat/non-vegetarian food within the precincts of temple may hurt the religious sentiments of devotees of the Hanuman temple. It is stated the Hanuman Temple had been in existence for more than hundred (100) years. It is commonly known that non-vegetarian food is completely banned within the precincts of a temple. Apart from the religious sentiments, it is also necessary to maintain serenity of the temple and hygiene in the temple surroundings. Further, the shop of the petitioner is stated

to be situated on the road opposite to the Hanuman temple and at a distance less than 100 meters and there is possibility of traffic and law and order issues arising.

14. Learned counsel for the petitioner submitted that business has not yet been commenced by the petitioner. Thus, alleging that the petitioner would commence business in non-vegetarian food is misplaced.

15. However, as per the photographs filed by the learned Standing Counsel for GHMC, live kitchen counter (popularly known as kabab centre) is already installed by the petitioner and the name of the establishment is 'NRI Live Kitchen' which, in all probability, can be used for cooking and selling meat/non-vegetarian food.

16. In the absence of any specific provision of law or rules, this Court deems it appropriate to dispose of this writ petition with the following directions:

- i) Respondents No.1 and 2 are directed to frame a policy for regulating the sale/consumption of meat/non-vegetarian food within a distance of 100 meters from the places of public worship or educational institutions or hospitals.
- ii) Such policy/guidelines shall be framed keeping in view the religious sentiments of the devotees of concerned temple/place of

worship, the people of particular faith, the serenity and hygiene, law and order and traffic issues.

iii) The policy/guidelines shall also include No Objection Certificate (NOC) for establishment of sale/consumption of meat/non-vegetarian food to be taken from the concerned Police Station so as to ensure that there are no law and order and traffic issues.

17. This exercise shall be completed within a period of four (4) weeks from the date of receipt of a copy of this order. Until such policy/guidelines are framed by respondents No.1 and 2, *status quo* obtaining as on today shall be maintained by the petitioner in respect of the property.

18. With the above observations, this writ petition is disposed of. There shall be no order as to costs.

As a sequel thereto, miscellaneous applications, if any, pending in this writ petition, stand closed.

B. VIJAYSEN REDDY, J

December 22, 2025

NOTE:

- 1) LR Copy to be marked
- 2) Issue CC in one (1) week
(BO) RRK