

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

Writ Petition No. 17701 of 2012

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ORDER :

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This writ petition is filed challenging the notice bearing Roc.No.G3/3186/2012, dated 23.05.2012 issued by the respondent to the extent of demanding Rs.10,000/- towards scrutiny fee and Rs.50,000/- towards impact fee for grant of permission for erection of cell towers.

2. Heard Sri Islamuddin Ansari, learned counsel for the petitioner and Smt. Pingali Lakshmi, learned Standing Counsel for the respondent Corporation.

3. It is the case of the petitioner that the respondent Corporation imposed Rs. 10,000/- towards scrutiny fee and Rs.50,000/- towards impact fee on the petitioner without having any authority of law. This Court while admitting the writ petition on 19.06.2012, granted interim order as follows:

“W.P.M.P.No.22665 of 2012

Sri C.V.Bhaskar Reddy, learned Standing Counsel takes notice for respondent.

There shall be interim stay, as prayed for, subject to the petitioner complying with all the deficiencies pointed out in the impugned notice dated 23.05.2012. However, insofar as the impact fee is concerned, since the notice in Roc.No.G3/12306/2008, dated 9.1.2010 and the resolution No.187, dated 17.8.2009 of the Standing Committee of the respondent-Corporation is said to have been suspended by order dated 18.2.2010 in WPMP No.4687 of 2010 in W.P.No.3581 of 2010, the same shall not be insisted.”

4. Though interim order was granted on 19.06.2010, no counter affidavit is filed by the respondent. When the matter was listed on 07.10.2015, learned Standing Counsel for the respondent Corporation sought time to get instructions on what basis Rs.10,000/- towards scrutiny fee and Rs.50,000/- towards impact fee were imposed for granting of permission for erection of cell towers.

No Rule was brought to my notice by the learned Standing Counsel for the

respondent Corporation justifying the action of imposition of said fees in the impugned proceedings on the petitioner. The assertion of the learned counsel for the petitioner that the respondent has no authority to collect the said amount goes un-rebutted.

Accordingly, this writ petition is allowed. However, it is open for the respondent to take action in case petitioner is liable to pay any amount as per the Rules. There shall be no order as to costs. As a sequel thereto, miscellaneous applications, if any pending in this Writ Petition, shall stand disposed of.

A.RAJASHEKER REDDY, J

30.10.2015.

KVS

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

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W.P. No.17701 OF 2012

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Date: 30-10-2015

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