

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.7663 OF 2015

ORDER:

This petition is filed for a writ of *Mandamus* declaring resolution No.370 dated 29.11.2014 passed by the Council of the 3rd respondent-Municipality calling for open auction of the advertisements over sixty two hoardings/boards belonging to the petitioner-Society along road divider from Railway Station to Poorna Stores of Gudur Municipality, as illegal, arbitrary and violative of the A.P.Municipalities (Advertisement Tax) Rules, 1967 and consequently to direct the 3rd respondent to permit the petitioner-Society to use the advertisements over sixty two hoardings/boards belonging to it.

The case of the petitioner-Society is that it was formed with the benevolent objects of propagating clean and green in the surrounding places, development of cultural, social and more values in Gudur Town, arranging free medical camps, educational and social services and providing financial help to the physically handicapped and poor and that it is a non-profit organisation having no commercial activities. In the year, 2011, the petitioner-Society has donated 120 tree guards and dustbins to the 3rd respondent-Gudur Municipality at cost of Rs.1,100/- and Rs.8,000/- respectively and got constructed cement benches for public to sit and take rest. In 2013, it spent Rs.2,00,000/- for a children park namely, 'Samyuktha Gardens' and also developed an area under the name and style of 'Samyuktha Nagar'. On the eve of visit of the then Chief Minister to Gudur in 2013, the Municipal Commissioner and the Sub-Collector requested the petitioner-Society to participate in beautification of Gudur Town. Hence, it purchased gravel and planted saplings, bogan trees and grass shrubs along the road divider from Gudur Railway Station to Poorna Stores and about sixty lollypop boards/hoardings were arranged and spent a sum of Rs.17,24,500/- for beautification of the said road divider. On 04.04.2013, the petitioner-Society submitted an application to respondent No.3 to permit it to arrange and erect the hoardings/boards within the road divider for advertisement and the Municipality granted permission for the same by levying advertisement tax of Rs.13,500/- per year. Similarly, in 2014-15 also the petitioner paid advertisement tax

at Rs.18,600/-. Without issuing any notice to the petitioner-Society for removal of hoardings/boards or about proposed open auction of the advertisement over the hoardings/boards, respondent No.3 has proposed for open auction of the advertisement for erection of hoardings/boards. Hence, the petitioner made a representation dated 04.03.2015 to the

3rd respondent requesting to renew the permission granted earlier but no action has been taken. Aggrieved by the same, the present writ petition is filed.

Heard the learned counsel for the petitioner, learned Government Pleader for Municipal Administration, appearing for respondent No.1 and Sri M.D.Saleem, learned Standing Counsel appearing for respondent No.3.

Learned Standing Counsel submits that the 3rd respondent has already passed a resolution for conducting public auction for grant of licence for erection of advertisement hoardings/boards. However, he states that before the same is finalised, the application of the petitioner will be considered as per rules.

In view of the same, this writ petition is disposed of directing the 3rd respondent to consider the application of the petitioner as per rules and take action accordingly. No order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

06.04.2015

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