

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH**

WRIT PETITION NO.23338 of 2015

Between :

M/s.Vision Outdoor Media,
Rep., by its Managing Partner, Sri R.Vinod Kumar,
Having its regd. Office at H.No.8-6,
Plot No.88, Sri Shakthi Nagar, Karmanghat,
Hyderabad.

.. Petitioner

and

State of Telangana,
Rep., by its Principal Secretary,
Municipal Administration,
Secretariat, Hyderabad & another.

.. Respondents

DATE OF JUDGMENT PRONOUNCED : 29.07.2015

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SUBMITTED FOR APPROVAL:

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THE HON'BLE SRI JUSTICE P.NAVEEN RAO

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1. Whether Reporters of Local Newspapers : Yes / No
may be allowed to see the Judgments ?

2. Whether the copies of judgment may be : Yes / No
marked to Law Reporters/Journals

3. Whether Their Lordship wish to : Yes / No
see the fair copy of the Judgment ?

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

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ORDER :

The petitioner claims to be running the business of advertisement. The petitioner has applied for location of advertisement boards in Nizamabad town within the Municipal Corporation of Nizamabad limits. Such application was considered and permission was granted for the petitioner to erect advertisement boards from Old LIC Junction to Phulong cross roads in Nizamabad town. According to the petitioner the same was renewed which was valid till 17.10.2013. Thereafter, the petitioner paid the annual licence fee and there was no obstruction in continuation of the advertisement boards. While so, a notice dated 18.06.2015 is served on the petitioner informing him that the respondent-Corporation would take steps to conduct public auction for advertisement locations including the location granted to the petitioner. The petitioner was also informed that though the petitioner has utilized first quarter for the current financial year, but has not paid the advertisement tax of Rs.42,900/- and demanded the petitioner to pay the advertisement tax. Challenging the same, this writ petition is filed.

2. As per the averments in the affidavit filed in support of this writ petition, the renewal expired on 17.10.2013. Subsequently, on payment of annual renewal fee, the petitioner was continued in carrying out advertisement business. But admittedly no order of renewal of lease was granted. Thus, I do not see any error in the

decision of the respondent-Corporation informing the petitioner that the Corporation intend to go for conducting of public auction granting lease for erection of advertisement boards at various locations in Nizamabad town. In fact, all leases concerning Municipal Corporation properties should be granted only by way of public auction and there cannot be any continuation of lease without agreement of lease after conducting public auction.

3. The further direction in the notice is to pay advertisement tax for the current financial year. According to the petitioner, he has already paid the advertisement tax. If that is so, nothing prevented the petitioner from satisfying the respondent-Corporation that the advertisement tax is already paid and there is no need for the petitioner to rush to this Court. No material is placed on record in support of his contention that the advertisement tax as demanded by the Corporation is already paid.

4. Having regard to the above, the writ petition is disposed of granting liberty to the petitioner to satisfy the respondent-Corporation, with regard to payment of advertisement tax for the first quarter of the financial year, within one week from the date of receipt of copy of this order. If no such proof is available with the petitioner, and if no advertisement tax is paid, the petitioner shall pay the advertisement tax within a period of one week from the date of receipt of copy of this order. It is needless to observe that if the petitioner is otherwise entitled, he is entitled to participate in the public auction for further period for carrying on the business of advertisement in Nizamabad town. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

29th July, 2015.

P.NAVEEN RAO,J

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