

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE

AND

HON'BLE SRI JUSTICE S.V. BHATT

WRIT PETITION No. 12409 OF 2008

13-11-2015

Between:

M/s. Bharti Airtel Limited, Splendid Towers, HUDA Road, Begumpet, Hyderabad
500 016, rep., by its Manager Legal Mr. G. Venkateshwarlu

... Petitioner

And

The Commissioner, Warangal Municipal Corporation, Warangal and another

... Respondents

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HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE

AND

HON'BLE SRI JUSTICE S.V. BHATT

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ORDER: (per the Hon'ble the Acting Chief Justice Dilip B. Bhosale)

Heard learned counsel for the parties.

The petitioner, in the instant writ petition, has made the following prayer:

“For the reasons stated in the accompanying affidavit it is prayed that this Hon’ble Court may be pleased to issue an appropriate writ, order or direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the respondents in interfering with the business of the petitioner by forcibly removing and taking away the sign boards displayed by the petitioner company at its various business premises located in Warangal town without as being illegal, arbitrary and in violation of the provisions of Hyderabad Municipal Corporation Act, 1955 and Advertisement Tax Rules 1967 and consequently direct the respondent not to insist for any permission or advertisement tax for the sign boards/display boards erected by the petitioner at its various business places in Warangal town and pass such other order or orders as the Hon’ble Court may deem fit and proper in the circumstances of the case.”

At the outset, learned counsel for the petitioner submits that issuance of show cause notice is mandatory before issuing demand notice under Section 421 of the Hyderabad Municipal Corporation Act, 1955 (for short ‘the Act’). In support of this contention, he invited our attention to the judgment of this Court in ***Rama Devi Multi Specialty Dental Clinic v. GHMc, Hyd.*** This judgment states that issuance of show cause notice, in the circumstances as we have come across in the present case, is mandatory.

Having confronted with this, learned counsel for the respondent – Corporation could not and did not dispute this proposition of law.

In the circumstances, we pass the following order:

“The impugned demand notice dated 05-02-2008 issued under Section 421 of the Act is set aside, with liberty to the respondent – Corporation to issue show cause notice in terms of the judgment in ***Rama Devi Multi Specialty Dental Clinic’s*** case (supra). If the show cause notice is issued, it is open to the petitioner to file its reply within the time stipulated therein. The concerned authority may thereafter proceed to decide the show cause notice in accordance with law and then proceed further, if necessary. We hope that this exercise shall be completed within a period of four months from today.

Learned Standing Counsel for the respondent – Corporation is directed to communicate this order to the concerned authority within a period of ten days from

today.”

With these observations, the writ petition is disposed of.

Miscellaneous petitions, if any, also stand disposed of. No order as to costs.

DILIP B. BHOSALE, ACJ

S.V. BHATT, J

13-11-2015

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