IN THE HIGH COURT OF JUDICATURE AT HYDERABAD

FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

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W.P.No.31153 of 2012

Between:

M/s. Unitech Wireless (Tamilnadu) Pvt.Ltd.,

… Petitioner/Appellant (s)

And

Greater Visakhapatnam Municipal Corporation

… Respondent (s)

DATE OF JUDGMENT PRONOUNCED: 11.08.2015

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

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

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THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

<u>WRIT PETITION NO.31153 OF 2012</u>

O R D E R :

This writ petition is filed for a *Writ of Mandamus* declaring the action of the respondent in taking coercive action by removing the boards displayed by the petitioner at its business places for non-payment of the alleged advertisement fee even without issuing opportunity, as illegal, arbitrary and contrary to the provisions of Greater Hyderabad Municipal Corporation Act, 1955 (for short 'the Act').

Today, when the matter is taken up for hearing, it is represented by both the counsel that the subject matter of the writ petition is squarely covered by the order dated 29.06.2012, passed by this Court in W.P.No.22320 of 2008.

For the reasons alike in the above mentioned order, this writ petition is allowed with the following directions:

(a) the advertisement fee levied by the Corporation is in the form of a tax referable to Section 197 of the Act and it could not have been levied without specific authority and in accordance with the prescribed procedure;

(b) the notices impugned in the writ petitions do not accord with Sections 169, 633 and other relevant provisions of the Act, and they are accordingly set aside; and

(c) the Corporation is entitled to insist on the permissions being obtained for erection and display of advertisements, subject, however to the exceptions covered by the proviso of sub-section (1) of Section 421 of the Act and to stipulate fee therefore, commensurate with the service or regulatory activity, and in its discretion to levy tax, under Section 197(f), duly following the proscribed procedure."

There shall be 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

11.08.2015
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