

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.7814 of 2016

ORDER:

The prayer of the petitioner in this case is as under:

“For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon'ble Court may be pleased to issue a Writ of Mandamus or any other appropriate Writ, Order or Orders, Direction or Directions to direct the

2nd respondent to act in accordance with law and to declare the endorsement of the 2nd respondent dated 29.02.2016 as illegal and consequently direct the 2nd respondent to issue the permission to the petitioner U/s. 4B of the Cable Television Networks (Regulation) Act, 1995, for laying cables in Dharmavaram Municipality and to pass such other order or orders as this Hon'ble Court may deem fit just and proper in the circumstances of the case.”

By the proceedings dated 29.02.2016, the Commissioner of the Dharmavaram Municipality rejected the request of the petitioner to grant permission under Section 4B of the Cable Television Networks (Regulation) Act, 1995 (for short, 'the Act of 1995'). The reasons therefor were that the petitioner had failed to pay the APSPDCL and the Commercial Tax Department dues.

Sri Vedula Srinivas, learned counsel for the petitioner, would however contend that this understanding of the municipal authorities was not correct as the APSPDCL dues had already been settled and the demand raised by the Commercial Tax Department was set aside by

a Division Bench of this Court in W.P.No.7072 of 2016.

As these aspects of the matter were not considered by the Commissioner of Dharmavaram Municipality, the writ petition is disposed of permitting the petitioner to make a fresh representation to the Municipality apprising it of these facts. Thereupon, the Municipality

shall consider the matter afresh and take appropriate action in accordance with the due procedure under the provisions of the Act of 1995. This exercise shall be completed expeditiously and in any event, not later than one week from today, provided the petitioner makes a representation tomorrow.

Sri Md. Saleem, learned Standing Counsel for the Municipality, is agreeable to the disposal of this writ petition on the afore-stated lines.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE SANJAY KUMAR

22nd March, 2016

Note:-

Issue CC by tomorrow.

B/o

PGS