

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
THE HON'BLE SRI JUSTICE P. NAVEEN RAO

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Writ Petition No.9031 of 2016

Date:22.3.2016

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Between:

M/s. Indus Towers Ltd.,
Hyderabad.

.....Petitioner

And

The Punganur Municipality,
Represented by its Commissioner,
Punganur, Chittoor District.

... Respondent

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
THE HON'BLE SRI JUSTICE P. NAVEEN RAO

Writ Petition No.9031 of 2016

PC:(Per the Hon'ble the Acting Chief Justice Dilip B. Bhosale)

Heard learned counsel for the parties.

We have perused the order dated 1.4.2015 passed in Writ Petition No. 9059 of 2015, whereby, the Commissioner was directed to give notice to the petitioner inviting them to participate in the hearing. It was further observed that the petitioner would be free to raise all contentions, as raised in the said petition. The Commissioner was directed to consider the contentions urged by the petitioner and decide the notice himself, by passing a speaking order.

Mr. Ghanta Rama Rao, learned Senior Counsel submits that till this date, the Commissioner has not decided the notice despite the directions issued by this Court.

Mr. Mohd. Saleem, learned Standing Counsel for the respondent-Municipality, on the other hand, submits that the petitioner does not cooperate and, therefore, the Commissioner could not decide the notice till this date. We would not like to enter into a controversy as to who is responsible for the delay in disposal of the notice.

Mr. Ghanta Rama Rao, learned Senior Counsel submits that if the notice is decided against the petitioner, the petitioner shall deposit the entire amount that will be ordered/directed to be paid within a period of two weeks from the date of such decision, subject to the petitioner's right to challenge the said order in appropriate proceedings. In other words, he submits that if the notice is decided against the petitioner, they shall

deposit the amount as per the order and then challenge the same in appropriate proceedings. His statement is recorded and accepted.

In view thereof, this writ petition is disposed of by the following order:

“The Commissioner shall decide the notice as per the order dated 1.4.2015 in Writ Petition No. 9059 of 2015, as expeditiously as possible and preferably within a period of four weeks from today. Learned Standing Counsel for the respondent-Municipality shall communicate this order to the Commissioner within a period of one week from today. If the order passed on the notice is adverse to the petitioner, the petitioner shall deposit the entire amount within a period of fifteen days from the date of communication of the said order subject to their right to file appropriate proceedings against the order of the Commissioner. All contentions on merits are kept open.”

Consequently, pending miscellaneous applications shall also stand closed.

DILIP B. BHOSALE, ACJ

P. NAVEEN RAO, J

22nd March, 2016

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