

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.5798 of 2016

ORDER:

The impugned endorsement dated 18.02.2016 passed by the Dharmavaram Municipality does not reflect compliance with the order dated 01.02.2016 passed by this Court in W.P.No.2920 of 2016. By the said order, this Court required the Dharmavaram Municipality to reconsider the petitioner's application for grant of permission subject to the petitioner complying with the conditions stipulated in the endorsement dated 25.01.2016.

Under the endorsement dated 25.01.2016, five conditions were stipulated. Insofar the Commercial Tax Department, APSPDCL and the Service Tax Department are concerned, the applicant was required to place updated receipts issued by them. However, the impugned endorsement dated 18.02.2016 reads to the effect that the petitioner, being the applicant, failed to produce permissions from the APSPDCL, the Service Tax Department and the Commercial Tax Department. There was no mention of any permission being obtained from these departments in the endorsement dated 25.01.2016. All that was required was that the receipts evidencing payment to these departments should be produced. That being so, it is not open to the Dharmavaram Municipality to import new conditions to be complied with, such as permissions, though the same do not find mention in the earlier endorsement dated 25.01.2016.

In that view of the matter, the impugned endorsement dated 18.02.2016 is set aside. The Dharmavaram Municipality shall reconsider the application filed by the petitioner strictly in accordance with the order dated 01.02.2016 passed in W.P.No.2920 of 2016 and, in consequence thereof, the conditions stipulated in the endorsement dated 25.01.2016. It would be open to the petitioner to supplement its application with additional material, if any. This shall be done within three days from the date of receipt of a copy of this order and the

Dharmavaram Municipality shall reconsider the petitioner's application within three days thereafter.

The writ petition is allowed to the extent indicated above. Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE SANJAY KUMAR

23rd February, 2016

Note:-

Issue CC today.

B/o

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