

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No. 5618 of 2016

ORDER:

Heard Sri V.M.M. Chary, learned counsel for the petitioner and Ms.Pingali Lakshmi, learned Standing Counsel for the first respondent.

2. The grievance of the petitioner is with regard to the show cause notice dated 18.01.2016 issued by the Greater Warangal Municipal Corporation. Admittedly, the petitioner submitted its reply dated 10.02.2016 to the afore-stated show cause notice. However, without awaiting a final order, the present writ petition has been filed laying a challenge to the show cause notice itself.

3. Sri V.M.M. Chary, learned counsel for the petitioner, would contend that earlier when the Greater Warangal Municipal Corporation initiated proceedings against the petitioner for payment of tax, Writ Petition No.32110 of 2015 was filed by it before this Court. The said writ petition was disposed of on 05.10.2015 observing that no exception could be taken to the demand made by the Corporation but leaving it open to the petitioner to make the payment and apply for renewal of the contract. It was also left open to the petitioner to seek appropriation of the amounts paid.

4. Sri V.M.M.Chary, learned counsel for the petitioner, would contend that had there been a failure on the part of his client in relation to the working of the traffic signals and CCTV Cameras, that aspect of the matter would have been raised at the earlier instance itself but only a demand for payment of tax was made at that stage. Learned counsel would contend that this clearly shows that the present ground for issuing the show cause notice in relation to the non functioning of traffic signals and/or CC TV Cameras at 12 junctions is only an afterthought and indicates the predetermined mind of the Corporation to cancel the petitioner's agreement.

4. This Court is however not inclined to accept this submission.

The failure on the part of the Corporation to raise this ground at the earlier stage only reflects upon its poor style of functioning but would not be reason enough to render the present show cause notice invalid or illegal. The language used in the show cause notice does not indicate any predetermined decision against the petitioner and on the other hand, specific details have been set out as regards the traffic signals and the CCTV Cameras which, according to the Corporation, were not working for the indicated time periods. As the petitioner has already responded to the show cause notice there is no crystalised cause of action whereby it can maintain a writ petition before this Court. No grounds are established for entertaining the present writ petition against the impugned show cause notice. It shall be open to the petitioner to apply to the Corporation for an opportunity of personal hearing and if such a request is made, the Corporation shall endeavour to abide by the principles of natural justice in all respects, give full opportunity of hearing to the petitioner and thereafter take a decision in the matter.

Subject to the above observation, the Writ Petition is dismissed. Pending miscellaneous petitions, if any, shall also stand closed in the light of this final order. No order as to costs.

JUSTICE SANJAY KUMAR

February 22, 2016
Lmv