

THE HON'BLE SRI JUSTICE S.V.BHATT

W.P.Nos.28597 & 31224 OF 2017

COMMON ORDER:

Heard Mr.N.Sridhar Reddy, Mr.V.V.Anil Kumar for writ petitioners and Mr.N.Ashok Kumar for Greater Hyderabad Municipal Corporation (GHMC).

The petitioners in these two writ petitions are advertising agencies. One seeks implementation or other seeks setting aside Letter No.1549/ADBT /GHMC/2017/104 dated 07.07.2017. The petitioner in W.P.No.28597 of 2017 prays for mandamus for direction to implement proceedings dated 07.07.2017 and the petitioner in W.P.No.31224 of 2017 prays for a mandamus declaring the proceedings dated 07.07.2017, as illegal and violative of principles of natural justice.

Learned counsel appearing for the parties have treated the prayer in W.P.No.31224 of 2017 as substantive prayer. Hence, the averments in W.P.No.31224 of 2017 are adverted to.

The petitioner entered into contract for commercial advertisements dated 26.02.2013 with Senior Divisional Commercial Manager, South Central Railway, Secunderabad for displaying advertisements by Unipole (with 2 hoardings) and 5 hoardings in the place earmarked in the premises at Khairatabad Railway Station facing Khairatabad Road. The petitioner asserts that though the licence period is over, the South Central Railway is extending the licence period for three

(03) months at a time and the latest license period expires by 18.06.2018.

The petitioner in W.P.No.28597 of 2017 has got permission to display advertisements on Khairatabad Road. The petitioner in W.P.No.28597 of 2017 complained to Additional Commissioner (Advertisement) GHMC on the advertisements/hoardings, extent of hoardings etc., of M/s. Signa Outdoor Advertising Agency, petitioner in W.P.No.31224 of 2017. The 2nd respondent through Letter No.1549/Advt /GHMC/2017/104 dated 07.07.2017, communicated to M/s. Signa Outdoor Advertising Agency as follows:

“GREATER HYDERABAD MUNICIPAL CORPORATION

Office of the
Addl. Commissioner (Advt.),
GHMC

Lr.No.1549/Advt/GHMC/2017/104

Date:07-07-2017

Sub: GHMC-Advt.Wing-M/s. Signa Outdoor Advertising-Expiry of contract period with Railway Authorities—Reg.

Ref: 1. This office even numbered Notice dated 10-04-2017
2. Letter dated 30.06.2017 pf M/S. Om Sri Bhavani Ads.

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Vide reference 2nd cited M/s. Om Sri Bhavani Ads has represented that, hoardings of M/s. Signa Outdoor Advertising existing at Khairatabad Railway Premises is affecting the visibility of his hoarding at H.No. 6-1-585/B/1/A/1, Maruthi Nagar, Khairatabad and also stated that, the extension given by Railway Authorities ended on 30-06-2017 and requested to remove the hoarding immediately.

The South Central Railway vide Lr.No.C/C/272/Advts/KQD/11, dated 17-04-2017 has extended the contract for display of commercial advertisements through unipole and hoardings at Khairatabad Railway Station for the period from 01-04-2017 to 30-06-2017.

Therefore, M/s. Signa Outdoor Advertising is hereby directed to remove the flex on hoardings in Khairatabad Railway Station immediately and the agency is directed to reduce the size of their Hoarding structure bearing AIN: CZ-10-00642 such that, the visibility of the hoarding bearing AIN:CZ-10-01240 pertaining to M/s. Om Sri Bhavani Ads does not get affected.”

Hence, the writ petition challenging the letter dated 07.07.2017, as illegal, violative of principles of natural justice etc. The communication dated 07.07.2017 does not refer to issuing notice to M/s. Signa Outdoor Advertising Agency or affording hearing, before the communication impugned in the writ petition was sent. Though a few ancillary and incidental legal objections are raised against the letter dated 07.07.2017, Mr.Anil Kumar has not pressed those submissions and has stated that petitioner is satisfied if the communication is set aside and matter remanded to the Additional Commissioner/2nd respondent and liberty is given to parties to raise all the objections.

Mr.Sridhar Reddy does not oppose the course of action suggested by Anil Kumar but however, takes a serious objection to the extent occupied by M/s. Signa Outdoor Advertising Agency hoardings within the premises of Khairatabad Railway Station. To explain his contention, he draws the attention of this Court to the agreement between M/s. Signa Outdoor Advertising Agency and the Railways which restricts the area as 5680 sft for displaying Commercial Advertisements at Railway Station whereas at present M/s. Signa Outdoor Advertising Agency is displaying hoardings of more than 6400 sft. According to him, the excess area for all purposes is obstructing advertisement right granted in favour of M/s. Om Sri Bhavani Ads.

The contentions are adverted to and in view of the course suggested supra, the other objections are not considered by this Court or a view expressed. Hence the following order:

1. Letter No.1549/Advt /GHMC/2017/104 dated 07.07.2017 is set aside, matter remanded to 2nd respondent for consideration afresh and for passing orders in accordance with law.
2. The 2nd respondent issues notice to both the advertising agencies and all the concerned within two weeks thereafter and passes an order within two (02) weeks from the date of receipt of notice on both the advertising agencies.
3. The 2nd respondent is given liberty to take all the objections open in law vis-à-vis, the breach of conditions by any of the advertising agencies.

In view of the order passed in W.P.No.31224 of 2017, Mr.Sridhar Reddy does not press the prayer in W.P.No.28597 of 2017. Hence, W.P.No.31224 of 2017 is ordered as indicated above and W.P.No.28597 is dismissed. No order as to costs.

Miscellaneous petitions, if any, pending, shall stand closed.

S. V. BHATT, J

Date: 03.04.2018
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