

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.21861 of 2009

ORDER:

This writ petition is filed for the following relief:

“....issue an appropriate writ, order or direction more particularly one in the nature of writ of Mandamus declaring the demand notice No. 2331, dated 10.03.2009 issued by the 3rd respondent demanding the petitioner to pay an amount of Rs.8,57,338.93 ps towards advertisement fee basing upon the proceedings of the 1st respondent in Proc No.245/AD1/Advt/GHMC/2008, dated 24.12.2008 as illegal and void and in violation of the provisions of the Hyderabad Municipal Corporation Act, 1955 and set aside the impugned demand Notice No.2331, dated 10.03.2009 issued by the 3rd respondent.”

The issue raised in the present writ petition is squarely covered by the common order, dated 31.12.2009, passed by this Court in Writ Petition No.23354 of 2009 and batch, the operative portion of which reads as under:

“Hence, the writ petitions are allowed holding that:

- (a) the advertisement fee levied by the Corporation is in the form of a tax referable to Section 197 of the Act and it could not have been levied without specific authority and in accordance with the prescribed procedure;

- (b) the notices impugned in the writ petitions do not accord with Sections 169, 633 and other relevant provisions of the Act, and they are accordingly set aside; and
- (c) the Corporation is entitled to insist on the permissions being obtained for erection and display of advertisements, subject, however, to the exceptions covered by the proviso of sub-section (1) of Section 421 of the Act; and to stipulate fee therefor, commensurate with the service or regulatory activity, and in its discretion to levy tax, under Section 197(f), duly following the prescribed procedure.”

Following the above said common order and for the reasons recorded therein, this Writ Petition is also allowed in terms thereof.

Miscellaneous Petitions, if any pending, shall stand closed.
There shall be no order as to costs.

CHALLA KODANDA RAM, J

Dt:27.09.2018

kdl