

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.41811 of 2018

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed by the petitioner seeking verbatim the following relief:

“...to issue a Writ, Order, or Direction, more particularly one in nature of Writ of CERTIORARI calling for records pertaining to impugned Lr.No.855/Advt/GHMC/2018, dated 19.10.2018 issued by the Respondents No.1st & 2nd and Quash the same as illegal, bad in law and violative of Principles of Natural Justice and consequently allow the Petitioner to retain the hoarding at H.No.8-4-393/10, above Green Bavarchi, Erragadda X Roads, Hyderabad, in the interest of Justice and pass such other order or orders as this Hon'ble Court deems fit and proper in the circumstances.”

2. Learned counsel for the petitioner, having reiterated the case pleaded, invited the attention of this Court to the impugned letter No.855/Advt./GHMC/2018, dated 19.10.2018, which reads as under:

Vide reference cited, instructions have been issued to all the Advertising Agencies to exhibit Advertisement Identification Number (AIN) board, at all the advertisement structures such that the AIN & agency name is clearly visible against the road.

It has been observed during the field inspection that the advertisement structure erected at above green bawarchi, near erragadda metro station, Hyderabad is not being AIN Board which is causing difficulty in tracing out the AIN allotted to the said structure.

Therefore, M/s. Sudhakar ads is hereby directed to submit relevant records pertaining to the advertisement structure erected at above green bawarchi, near erragadda metro station, Hyderabad to the GHMC and also erect the

AIN Board within (48) hours, failing which it will be constructed that the said structure is not having permitted AIN and the GHMC will be at liberty to take further action as per provisions of GHMC Act, 1955.”

He further submitted that after receipt of the afore-said letter, the petitioner submitted an explanation, dated 30.10.2018, though belatedly, giving an excuse for the delay; and, that in the said letter, the petitioner *inter alia* stated that the petitioner had already submitted the required files and NOC etcetera, on 01.02.2018; and, that to the said letter, copies of the documents related to Erragadda hoardings with Advertisement Identification Nos.CZ-08-02527 & CZ-08-02580 were attached.’

He next submits that the application of the petitioner is pending since 06.09.2016, and that in the said application, the petitioner while stating the details of the hoardings, which were removed from the road at Metro Trains Widening Works, requested for permission for shifting of the hoardings to another place and offered to pay the pending arrears for the small size hoardings (20 x 10).

3. Learned Standing Counsel appearing for the respondents 1 to 3 submits as follows: ‘The numbers, which the petitioner mentioned in the explanation, dated 30.10.2018, relate to the hoardings, which were originally erected at Haca Bhavan, Nampally. After removing the same and while re-erecting them at Erragadda Cross Roads, no permission was sought for. Even in the letter, dated 06.09.2016, which was relied upon by the

petitioner, there was no request specifically for shifting the hoardings to Erragadda Cross Roads. Without obtaining required permission, the hoardings were erected at Erragadda Cross Roads’.

4. In reply, the learned counsel for the petitioner submits that if the explanation, dated 30.10.2018, wherein a reference was made to the earlier representation, is disposed of, ends of justice would be met.

5. Learned Standing Counsel endorses the said submissions.

6. Having regard to the facts and submissions, the Writ Petition is disposed of directing the respondents 1 to 3 to take an appropriate decision on the representation of the petitioner submitted in response to the impugned letter, dated 19.10.2018, within two weeks from the date of receipt of a copy of this order, however, in strict accordance with the procedure established by law and communicate the decision taken thereon to the petitioner within a week thereafter. It is made clear that till such exercise is completed, no coercive action shall be taken against the subject hoardings of the petitioner.

There shall be no order as to costs.

As a sequel, the miscellaneous petitions pending in this Writ Petition, if any, shall stand closed.

M.SEETHARAMA MURTI, J

