

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

Writ Petition No.43623 of 2017

ORDER:

This writ petition is filed seeking verbatim the following relief/s:

‘.. to issue Writ, Order or Direction more particularly one in the nature of Writ of Mandamus declaring the action of the 3rd respondent in trying to remove the hoarding located at Nagarjuna Circle, Banjara Hills Road No.1, Hyderabad is arbitrary, illegal, principles of natural justice, without following due process of law and consequently direct the respondents not to remove the hoarding located at Nagarjuna Circle, Banjara Hills Road No.1, Hyderabad, and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.’

Learned counsel for the petitioner would submit that after paying the requisite fee of Rs.70,500/- by way of demand draft to the 3rd respondent authority, the petitioner erected a hoarding on the subject site and approached the 3rd respondent authority for continuation of the hoarding on the said land for further period; but, the 3rd respondent authority is not even receiving the application of the petitioner in that regard and that, therefore, the writ petition is filed. He would further submit that the respondents are proposing to take coercive action for removal of the subject hoarding.

Learned standing counsel for GHMC appearing for the respondents 2 & 3 would submit that from 2011 onwards GHMC is not giving permissions for erection of new hoardings but is only renewing the requests for the continuation of the hoardings in existence and that therefore, the petitioner is not entitled to continue to have the hoarding.

Learned counsel for the petitioner, in reply, would submit that the petitioner would make a representation to the 3rd respondent in the above regard and sought a direction to the said respondent to consider and dispose of the said representation within a time frame. He would also submit that till such representation is disposed of by the said authority, the interests of the petitioner may be protected.

Learned standing counsel endorses the above said reply submissions of the learned counsel for the petitioner.

Having regard to the facts and submissions, the Writ Petition is disposed of reserving liberty to the petitioner to submit a representation to the 3rd respondent within two (02) weeks from the date of receipt of a copy of this order; nonetheless, on the petitioner making such representation, the 3rd respondent shall consider and dispose of the same within two (02) weeks thereafter and communicate the decision taken thereon to the petitioner within a week thereafter. It is made clear that till such exercise is completed, the respondents shall not take any coercive action against the subject hoarding of the petitioner. However, this order shall not preclude the GHMC/respondents 2 & 3 from taking action against the petitioner in accordance with the procedure established by law if it is noticed that any illegality has been committed by the petitioner in erecting the subject hoarding.

There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order.

M.SEETHARAMA MURTI, J

02.01.2018

Note: Issue CC by 04.01.2018.

[B/o]

Vjl