

THE HON' BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION Nos.7483, 7519 and 7524 of 2020

COMMON ORDER:

Notices dated 28.05.2020 issued by the respondent GHMC directing the petitioners to remove the advertisement structures, are challenged in these writ petitions.

Heard learned counsel for the petitioners, and Sri Pasham Krishna Reddy, learned Standing Counsel for respondent Corporation.

It is the contention of the learned counsel for the petitioners that the impugned notices directing the petitioners to remove advertisement structures within three days is contrary to the orders of this Court in W.P.No.6865 and batch, dated 18.05.2020. It is specifically contended that as a matter of fact the petitioners herein were also the petitioners in those writ petitions as such the impugned notices are nothing but violation of earlier orders passed by this Court.

The arguments of the learned counsel for the petitioners is rebutted by the learned Standing Counsel for respondent Corporation by submitting that as a matter of fact the notices dated 28.05.2020 were issued after taking into consideration of the orders of this Court, and also after conducting field inspection and basing on the field inspection report of the Assistant Engineer dated 23.05.2020, a conscious decision was made directing the petitioners to remove the structures as it is likely to endanger public safety.

Having regard to the respective submissions, at the outset, this Court is not able to agree with the arguments of the learned counsel for the petitioners that the orders made in the earlier batch of writ petitions would cover the present cases as well; as, the present notices dated 28.05.2020 were issued in terms of the liberty granted to the respondent authorities to examine, on case by case basis, and if the structures are likely to endanger public safety, necessary action be taken. However, the impugned notices do not indicate whether the field inspection report was made available to the petitioners and whether any opportunity was given to the petitioners to peruse the field inspection report and put forward their version if any.

Taking into consideration the assertion of the learned counsel for the petitioners that the field inspection report dated 23.05.2020 was not made available to the petitioners, the writ petition can be disposed of by directing the Corporation to furnish a copy of the field inspection report dated 23.05.2020, and on furnishing the same, the petitioners shall, by treating the notices dated 28.05.2020 as Show Cause notices, submit their explanation within one week, which shall be considered by the respondent Corporation objectively, for passing appropriate orders, in accordance with law, and the decision taken shall be communicated to the petitioners. It is made clear that till orders are made on the explanation that may be submitted by the petitioners, the existing advertisement structures shall not be dismantled.

Subject to the above, the writ petitions are disposed of. No costs. Miscellaneous petitions, if any pending, shall stand closed.

CHALLA KODANDA RAM, J

03rd June, 2020

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