

THE HONOURABLE SMT JUSTICE LALITHA KANNEGANTI

W.P.No.31804 of 2022

ORDER

This writ petition is filed questioning the action of respondent No.1 in issuing the letter vide Lr.No.R/3266/2022, dated 29-07-2022 in violation of the agreement/proceedings No.MK/Advr/102/2021-2022 dated 19-03-2022, as illegal and arbitrary and consequently restrain the respondents from interfering with the advertisement structure/hoarding located/erected at Lanco Hills Road and Sai Vaibhav Colony Park, Ground Site Hording, Manikonda Municipality limits, Ranga Reddy District.

2. Learned counsel for the petitioner Smt NVR Rajya Lakshmi submits that a notice dated 29-07-2022 is issued to the petitioner to remove the hoardings within 7 days, otherwise the Municipality will remove the same. She submits that the petitioner advertising agency is having more than 40 hoardings in various places of Hyderabad like Vanasthalipuram, Shamshabad, Manikonda and Narsing etc., and the petitioner has submitted proposal for hoarding on 16-03-2022 to respondent No.1 and the same was accepted and they have entered into an agreement for a period of 5 years from 19-03-2022 to 19-03-2027 for erection of advertisement structure/hoarding located/erected at Lanco Hills Road and Sai Vaibhav Colony Park, Ground Site hoarding Manikonda Municipality Limits with size of display 60 X20 (1)

and accordingly, permission was granted on 19-03-2022. Learned counsel further submits that though the said agreement is in subsistence till 2027, now, without issuing a show cause notice, the respondent Corporation has straightaway issued the impugned proceedings directing the petitioner to remove the hoardings, which is arbitrary, illegal and contrary to the terms of the agreement.

3. Learned Standing Counsel for respondent No.1 Mr. N. Praveen Kumar submits that the respondent Corporation will file a detailed counter affidavit.

4. This Court, in several writ petitions, has been consistently passing orders directing the respondents not to issue any proceedings without issuing notice to the parties. In spite of the said orders, the respondents, without any respect to the orders of the Court, are continuously passing this kind of orders without issuing any notice. In fact, this Court has directed the Principal Secretary to issue necessary orders to all the officers concerned and also the Principal Secretary has issued the proceedings directing all the Municipal Commissioners not to pass any orders without issuing any notice and without following the principles of natural justice. In spite of that, the respondent Corporation has issued the impugned notice dated 29-07-2022 and made the petitioner to rush to this Court. The respondents are represented by the Standing Counsels in the Courts, they do not have to rush to the Courts and as such they are not feeling the pain of it.

Hence, the order dated 29-07-2022, which is not preceded by a show cause notice, is set aside and respondent No.1-Municipal Commissioner, Manikonda Municipality, shall pay an amount of Rs.10,000/- (Rupees ten thousand only) to the petitioner towards costs within a period of four weeks from the date of receipt of a copy of this order. At least by paying this amount, the Officer is reminded of his responsibility to issue the notice. No order as to costs.

5. Miscellaneous petitions, if any pending in this writ petition, shall stand closed.

SMT LALITHA KANNEGANTI, J

4th August, 2022.

sj

Note:

Issue CC today.