

(SHOW CAUSE NOTICE BEFORE ADMISSION)
IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)
THURSDAY, THE EIGHTH DAY OF JULY
TWO THOUSAND AND TWENTY ONE



:PRESENT:

THE HONOURABLE THE CHIEF JUSTICE SRI ARUP KUMAR GOSWAMI
AND
THE HONOURABLE SRI JUSTICE NINALA JAYASURYA

WRIT PETITION NO: 12789 OF 2021

Between:

M/s. Uni Ads Ltd., rep., by its General Manager, M.Narayanaraju,
S/o.Krishnam Raju, Aged about 65 years, Office Address
Door No.7-1-212/8, Shivbagh, Ameerpet, Hyderabad.

Petitioner

AND

1. The State of Andhra Pradesh, Rep., by its Principal Secretary, Municipal Administration and Urban Development, Secretariat Buildings, Velagapudi, Amaravathi, Guntur District.
2. The Nellore Municipal Corporation, Nellore, S.P.S.R. Nellore District Represented by its Commissioner
3. The Deputy City Planner, Nellore Municipal Corporation Nellore, S.P.S.R.Nellore District
4. The Assistant City Planner, Nellore Municipal Corporation Nellore, S.P.S.R.Nellore District

Respondents

WHEREAS the Petitioner above named through its Advocate Sri P.V.N Kiran Kumar presented this Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue writ, order, direction more particularly in the nature writ of mandamus declaring the assailing the proceedings issued in ROC.No.3121/2014/G2, dated NIL-02-2019 and the consequential notice in ROC.No.3121/2014/G2, dated 09-03-2020 issued by the respondent No.2 whereby demanded the petitioner to pay advertisement tax without having any power or authority as illegal, ultra-vires, arbitrary, unconstitutional and against to the principles of natural justice apart from being violative of Article 19(g) of the Constitution of India and consequentially set aside the same and direct the respondent No.2 to 4 to refund the already collected advertisement tax from 01.07.2017 onwards and not to remove the existing (34) Hoardings, (2) Unipoles, (13) Bus Shelters and also not to disturb the flexes of the petitioner Company displayed thereon

AND WHEREAS the High Court upon perusing the petition and affidavit filed herein and upon hearing the arguments of Sri P.V.N. Kiran Kumar, Advocate for the Petitioner, Sri A. Jagannadha Rao, Government Pleader for Municipal Administration and Urban Development appearing for respondent No.1, directed issue of notice to the Respondent Nos.2 to 4 herein to show cause as to why this WRIT PETITION should not be admitted.

You viz:

1. The Commissioner, Nellore Municipal Corporation, Nellore, S.P.S.R.Nellore District.
2. The Deputy City Planner, Nellore Municipal Corporation Nellore, S.P.S.R.Nellore District
3. The Assistant City Planner, Nellore Municipal Corporation Nellore, S.P.S.R. Nellore District

are directed to show cause either appearing in person or through an Advocate, as to why in the circumstances set out in the petition and affidavit filed therewith (copy enclosed) this WRIT PETITION should not be admitted.

IA NO: 1 OF 2021

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to grant stay of all further proceedings in pursuance of the proceedings issued in ROC.No.3121/2014/G2, dated NIL-02-2019 and the consequential notice in ROC.No.3121/2014/G2, dated 09-03-2020 issued by the respondent No.2 direct the respondent No.2 to 4 not to take any coercive steps against the petitioner Company and restrain the respondent No.2 to 4 from removal of existing (34) Hoardings, (2) Unipoles, (13) Bus Shelters, also not to damage flexes displayed thereon and allow to continue display of commercial advertisements of petitioners Company in Nellore Municipal Corporation, Nellore District, pending disposal of WP No. 12789 of 2021, on the file of the High Court.

The Court made the following: ORDER:

(Through Video Conferencing)

Heard Mr. P.V.N. Kiran Kumar, learned counsel for the petitioner.

Also heard Mr. A. Jagannadha Rao, learned Government Pleader for Municipal Administration and Urban Development appearing for respondent No.1.

Learned counsel for the petitioner submits that in similar circumstances, this Court, by order dated 03.12.2020 in I.A No.1 of 2020 in WP No.22248 of 2020, as well as by order dated 03.12.2020 in I.A No.1 of 2019 in WP No.5915 of 2019, had suspended realization of advertisement tax.

Perused the aforesaid orders.

Issue notice, returnable in 10 (ten) weeks.

No formal steps are called for as the respondent No.1 is duly represented. However, extra copies be furnished.

Steps on respondent Nos.2,3 and 4 by registered post with acknowledgment due.

Until further orders, all further proceedings in pursuance of the proceedings in ROC.No.3121/2014/G2, dated Nil-02-2019 and the consequential notice in ROC.No.3121/2014/G2, dated 09.03.2020 issued by the respondent No.2 are stayed and respondent Nos.2 to 4 are directed not to take any coercive steps against the petitioner company including removal of existing (34) hording, (2)unipoles (13) bus shelters and not to damage flexes destroyed. It is further provided that the petitioner- company shall be allowed to continue display of commercial advertisements within Nellore Municipal Corporation.

**Sd/- SK. MOHD. RAFI
ASSISTANT REGISTRAR**

//TRUE COPY//

For ASSISTANT REGISTRAR

To

- 1. The Commissioner, Nellore Municipal Corporation, Nellore, S.P.S.R.Nellore District.**
- 2. The Deputy City Planner, Nellore Municipal Corporation Nellore, S.P.S.R.Nellore District**
- 3. The Assistant City Planner, Nellore Municipal Corporation Nellore, S.P.S.R. Nellore District (1 to 3 by RPAD along with a copy of petition and affidavit)**

4. One CC to SRI. P. V N Kiran Kumar Advocate [Opuc]
5. Two CCs to GP for Municipal Administration and Urban Development High Court Of Andhra Pradesh. [OUT]
6. One spare copy

TVR

HIGH COURT

HCJ & NJSJ

DATED:08/07/2021

NOTICE BEFORE ADMISSION

WP.No.12789 of 2021

