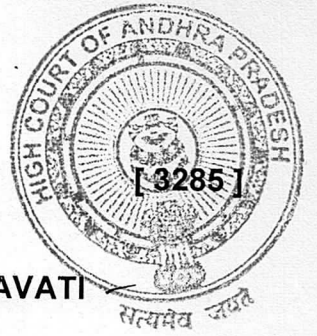




(SHOW CAUSE NOTICE BEFORE ADMISSION)

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

(Special Original Jurisdiction)

MONDAY, THE TWELFTH 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: 12827 OF 2021 ✓

Between:

M/s.Iswarya Publication Pvt Ltd., rep., by it's Managing Director, Konda Srikar Reddy,
S/o.K.Subba Reddy, Aged about 50 years, Nellore, SPSR Nellore District.

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 demand notice issued in ROC.No.3121/2014/G2, dated NIL-02-2019 (signed on 15.03.2019) for payment of Rs.34,16,136/- towards Advertisement Tax for the year 2018-19 within (7) days and the consequential demand notice in ROC.No.3121/2014/G2, dated Nil-06-2020 for payment of Rs.73,50,3152/- issued by the respondent No.2. Both the demand notices were issued under Section 420 and 421 of the Hyderabad Municipal Corporation Act, 1955 with a direction to pay the said tax amounts, failing which the hoardings / boards / lollypops / bus stops will be distrained duly referring the unconcerned Sections 270 and 274 of the HMC Act, 1955, without having any power or authority as illegal, ultra-vires, arbitrary, unconstitutional and against 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 not to disturb the flexes of the petitioner Company erected in the concerned hoardings and bush Shelters and refund the collected Advertisement Tax from the year, 2017; ✓

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, learned Government Pleader for Administration and Urban Development for respondent No.1 and Mr. Suresh Kumar Reddy Kalava, learned standing counsel for respondent Nos.2 to 4, directed issue of notice to the Respondents herein **returnable in 10 (ten) weeks** to show cause as to why this WRIT PETITION should not be admitted. ✓

You viz:

1. The Principal Secretary, Municipal Administration and Urban Development, State of Andhra Pradesh, Secretariat Buildings, Velagapudi, Amaravathi, Guntur District.
2. The Commissioner, Nellore Municipal Corporation, Nellore, S.P.S.R.Nellore District
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 ✓

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 the affidavit filed therewith (copy enclosed) this WRIT PETITION should not be admitted on or before 21.09.2021, on which date the case stands posted for hearing. ✓

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 Hoardings, Unipoles, and 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, in the interest of justice pending disposal of Writ Petition No. 12827 of 2021, on the file of the High Court. ✓

THE COURT MADE THE FOLLOWING: ORDER:

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

Also heard the learned Government Pleader for Administration and Urban Development for respondent No.1 and Mr. Suresh Kumar Reddy Kalava, learned standing counsel appearing for respondent Nos.2 to 4.

Learned counsel for the petitioner submits that in similar circumstances, this Court, by following the earlier order dated 03.12.2020 in I.A.No.1 of 2019 in W.P.No.5915 of 2019 and the order dated 03.12.2020 in I.A.No.1 of 2020 in W.P.No.22248 of 2020, passed an interim order in W.P.12789 of 2021 on 08.07.2021. He submits that the same interim order may be passed in this case.

Perused the order dated 08.07.2021 passed in W.P.No.12789 of 2021. Operative portion of the order reads as under:

"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) hoardings, (2) —

unipoles, (13) bus shelters and not to damage flexes displayed. It is further provided that the petitioner company shall be allowed to continue display of commercial advertisements within Nellore Municipal Corporation."

Issue notice, returnable in 10 (ten) weeks.

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

List this case along with W.P.No.12789 of 2021, printing the name of Mr. Suresh Kumar Reddy Kalava, learned standing counsel for respondent Nos.2 to 4 in the cause-list.

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 Nil-06-2020 issued by 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 hoardings, unipoles and bus shelters, and not to damage flexes displayed. It is further provided that the petitioner company shall be allowed to continue display of commercial advertisements within Nellore Municipal Corporation. —

Sd/-M.RameshBabu
ASSISTANT REGISTRAR
SECTION OFFICER

//TRUE COPY//

For

To,

1. The Principal Secretary, Municipal Administration and Urban Development, State of Andhra Pradesh, Secretariat Buildings, Velagapudi, Amaravathi, Guntur District.
2. The Commissioner, Nellore Municipal Corporation, Nellore, S.P.S.R.Nellore District
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 (1 TO 4 by RPAD- along with a copy of petition and affidavit)
5. One CC to SRI.P.V.N.KIRAN KUMAR Advocate [OPUC]—
6. One CC to Sri. Suresh Kumar Reddy Kalava, Standing Counsel (OPUC) —
7. Two CCs to GP for Municipal Administration and Urban Development, High Court Of Andhra Pradesh. [OUT] —
8. Two spare copies

SRL

HIGH COURT

HCJ & NJSJ

DATED:12/07/2021

NOTE: LIST THIS CASE ALONG WITH W.P.NO.12789 OF 2021

NOTICE BEFORE ADMISSION

WP.No.12827 of 2021

DIRECTION

