IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

-

WRIT PETITION NO : 5711 of 1996

Between:

United Channel, Rep. by P. Kumar,

S/o PSN Murthy, R/o PRK Buildings,

Opp: Swati Theatre Rd., Bhavanipuram,

Vijayawada. **..... PETITIONER**

AND

1 A.P. Housing Board, Rep. by Vice Chairman

& Managing Director, Gruhakalpa,

Nampally, Hyderabad.
2 A.P. Housing Board, Rep. by Executive Engineer (Housing)
Vijayawada.
3 A.P. Housing Board Rep. by Chief Engineer,
Gruhakalpa, Nampally, Hyderabad. **.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue any appropriate writ, order or direction, preferably a writ in the nature of Mandamus declaring the action of the respondents in issuing circular No. 44/DB/EE/Vja/96/4391, dt:1-2/3-1996 as void, illegal, and without jurisdiction and being violative of the petitioner concern's fundamental rights guaranteed under Article 19(1)(g), 300-A and 14 of the constitution of India and consequently direct the respondents not to take any action including the finalisation in terms of Circular dt:1-2/3-1996 and permit the petitioner concern to enroll the subscribers in the flats of APHB Colony , Bhavanipuram, Vijayawada under the Cable Television Network (Regulation) act, 1995.

Counsel for the Petitioner: MR.P.VENUGOPAL

Counsel for the Respondents: MR.J.PRABHAKAR

The Court made the following :

ORDER:

This writ petition is filed questioning the circular proceedings No.44/DB/EE/Vja/96/4391, dated 1-2/3-1996 issued by the 2nd respondent-Executive Engineer (Housing) A.P.Housing Board, Vijayawada. By the said impugned proceedings, sealed quotations were invited for running Cable TV in A.P.Housing Board Colony, Bhavanipuram, Vijayawada.

The only contention advanced by the learned Counsel for the petitioner is that no such power is vested to the respondent-Board as per the provisions of the A.P.Housing Board Act, 1956, and as such, issuance of the impugned circular by the respondent-Board is void, illegal and without jurisdiction.

In this case, it is to be seen that the impugned circular is only inviting quotations and there need not be any specific power for such a purpose in the provisions of the Housing Board Act. Issuing such a circular inviting quotations is also not in violation of the provisions of the Cable TV Net Works Regulation Act, 1995. Therefore, the sole contention advanced by the learned Counsel for the petitioner, to declare the issuance of the impugned circular as void by issuing a Mandamus, cannot be accepted. In that view of the matter, I do not find any ground to interfere with the impugned proceedings.

Writ Petition is accordingly dismissed without any order as to costs.

16-02-2005

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Copy to:

1 A.P. Housing Board, Rep. by Vice Chairman & Managing Director
Gruhakalpa Nampally,
Hyderabad.
2 A.P. Housing Board, Rep. by Executivde Engineer (Housing)
Vijayawada.
3 A.P. Housing Board Rep. by Chief Engineer,
Gruhakalpa, Nampally,
Hyderabad.

4 Two CD copies.