

IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI
(Special Original Jurisdiction)

FRIDAY, THE THIRTIETH DAY OF AUGUST
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SRI JUSTICE B KRISHNA MOHAN

WRIT PETITION NO: 19240 OF 2024



Between:

M/s. STAR Inc. Prop., Datla Chakravardhan Reddy, S/o Datla Chandrasekhar Reddy, Aged about 34 years, R/o D.No.23/1462, Dhandayudhapuram, Opp D.R Uttam Hotel, Nellore, SPSR Nellore District.

...PETITIONER

AND

1. The State of Andhra Pradesh, Rep. by its Principal Secretary, Municipal Administration Department, A.P. Secretariat, Velagapudi, Guntur District, Andhra Pradesh
2. The Nellore Municipal Corporation, Rep. by its Commissioner, Nellore, SPSR Nellore District,
3. The Town Planning Officer, Nellore Municipal Corporation, Nellore, SPSR Nellore District,

...RESPONDENTS

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 a WRIT OF MANDAMUS or any other appropriate writ or direction declaring the action of the 2nd respondent in issuing endorsement in ROC.No.449737/2022/G2 dated 28.08.2024 directing the petitioner to remove the flexis/banners/any kind of advertisements erected in Central medians and other important places in the jurisdiction of Nellore Municipal Corporation, within three days as illegal, arbitrary, principles of natural justice and violation of provisions of A.P. Municipal Corporation Act, 1955 and consequently permit the advertising display devices erected by the

petitioner pursuant to the proceedings vide ROC no 557785/2024/G3 dated 27.06.2024 by setting aside the endorsement Roc.No.449737/2022/G2 dated 28.08.2024, issued by the 2nd respondent.

IA NO: 1 OF 2024

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 permit the advertising display devices erected by the petitioner vide proceedings ROC no 557785/2024/G3 dated 27.06.2024 by suspending the endorsement Roc.No.449737/2022/G2 dated 28.08.2024, issued by the 2nd respondent, pending disposal of the Writ petition.

Counsel for the Petitioner: SRI SIVAPRASAD REDDY VENATI

Counsel for the Respondent No.1: GP FOR MUNICIPAL

ADMINISTRATION AND URBAN DEVELOPMENT

**Counsel for the Respondent Nos.2 & 3: SRI K. SURESH KUMAR REDDY,
SC FOR MUNICIPAL CORPORATION**

The Court made the following: ORDER



IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)

[3233]

FRIDAY, THE THIRTIETH DAY OF AUGUST
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SRI JUSTICE B KRISHNA MOHAN

WRIT PETITION NO: 19240/2024

Between:

Star Inc Prop

...PETITIONER

AND

The State Of Andhra Pradesh and Others

...RESPONDENT(S)

Counsel for the Petitioner:

1. SIVAPRASAD REDDY VENATI

Counsel for the Respondent(S):

1. GP FOR MUNICIPAL ADMN URBAN DEV

The Court made the following Order:

Heard the learned counsel for the petitioner and the learned Assistant Government Pleader appearing for the respondents.

2. This writ petition is filed questioning the endorsement issued by the 3rd respondent, dated 28.08.2024 for removal of flexes/banners/any kind of advertisements erected in central medians and other important places within the limits of the 2nd respondent

Corporation within three (3) days from the date of receipt of the said endorsement.

3. Both the learned counsels submit that the similar matter is already disposed of by this court in W.P.No.19094 of 2024 dated 30.08.2024.

4. In terms of the same, it is made clear that the impugned endorsement of the 3rd respondent, dated 28.08.2024 shall be treated as only Notice calling for the explanation of the petitioner in the light of the above said references mentioned therein. The petitioner is permitted to submit his explanation enclosing all the necessary documents in support of their claim to the above said endorsement of the 3rd respondent, dated 28.08.2024 within a period of two (2) weeks from the date of receipt of this order. On receipt of the same, the respondent Nos.2 & 3 shall proceed with the necessary enquiry pursuant to the above said Notice of the 3rd respondent, dated 28.08.2024 by hearing all the parties concerned including the petitioner and upon verification of the records and the locations where advertisements were displayed, appropriate decision shall be taken on its own merits as expeditiously as possible preferably within a period of two (2) months thereafter. Pending the above said enquiry, there shall not be any coercive steps and there shall not be any further erections and display of boards without the permission of the

respondent Nos.2 & 3. Subject to the outcome of the above said enquiry, the display of devices of lollipops made by the petitioner under the proceedings of the 2nd respondent, dated 27.06.2024 shall be considered and if there is no further renewal of the same, the said display boards shall be allowed to be there only up to the end of the period granted earlier for the year 2024-2025 i.e., up to 26.06.2025.

5. Accordingly, the writ petition is disposed of. There shall be no order as to costs.

6. The Registry is directed to append the copy of the order passed by this court in W.P.No.19094 of 2024 dated 30.08.2024 to this order.

As a sequel, Miscellaneous Petitions pending, if any, shall stand closed.

//TRUE COPY//

SD/- K. SRINIVASA RAJU
ASSISTANT REGISTRAR
SECTION OFFICER

To,

1. The Principal Secretary, Municipal Administration Department, State of Andhra Pradesh, AP Secretariat, Velagapudi, Guntur District, Andhra Pradesh
2. The Commissioner, Nellore Municipal Corporation, Nellore, SPSR Nellore District,
3. The Town Planning Officer, Nellore Municipal Corporation, Nellore, SPSR Nellore District.
4. One CC to Sri Sivaprasad Reddy Venati, Advocate [OPUC]
5. One CC to Sri K. Suresh Kumar Reddy, SC for Municipal Corporation[OPUC]
6. Two CCs to GP for Municipal Administration and Urban Development, High Court of Andhra Pradesh. [OUT]
7. Three CD Copies.

(Along with a copy of the order dated 30.08.2024 in W.P. No.19094 to this order)

HIGH COURT

DATED:30/08/2024

ORDER

WP.No.19240 of 2024



DISPOSING OF THE W.P. WITHOUT COSTS



IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)

[3233]

FRIDAY, THE THIRTIETH DAY OF AUGUST
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SRI JUSTICE B KRISHNA MOHAN

WRIT PETITION NO: 19094/2024

Between:

Fariya Advertising Media Events Private Limited

...PETITIONER

AND

The State Of Andhra Pradesh and Others

...RESPONDENT(S)

Counsel for the Petitioner:

1. V NITESH

Counsel for the Respondent(S):

1. GP MUNICIPAL ADMN AND URBAN DEV AP

The Court made the following:

ORDER:

Heard the learned counsel for the petitioner, the learned Assistant Government Pleader for the respondent Nos.1 & 2 and the learned Standing Counsel for the respondent Nos.3 & 4.

2. This writ petition is filed questioning the endorsement issued by the respondent No.4, dated 28.08.2024 for removal of flexes/banners/any kind of advertisements erected in central medians and other important places within

the limits of the respondent No.3 Corporation within three (03) days from the date of receipt of the said endorsement.

3. The learned counsel for the petitioner submits that the respondent No.3 *vide* proceedings in Roc.No.517291/2023/G2, dated 09.11.2023 permitted the petitioner to display the devices of lollipops for the year 2023-2024 on payment of the required fee of Rs.2,70,000/- to display the said devices at appropriate places as permitted under the said proceedings, dated 09.11.2023 subject to terms and conditions. As per the said proceedings, the permission is valid for five (05) years from the date of issuing the proceedings with a renewal of the same once in a year on demand. However, the Commissioner reserves his right to cancel permission or remove the hoardings whenever he feels objectionable. Accordingly, the petitioner's permission period for the year 2023-2024 is not yet completed and it is subsisting up to 08.11.2024. The petitioner also submitted necessary letter for payment of fee for the continuation of the said advertisements for the period of 2024-2025 by enclosing the necessary Demand Draft for a sum of Rs. 2,70,000/-, dated 24.04.2024. Further, there is a letter addressed by the respondent No.2 to all the Municipal Commissioners including the respondent No.3 herein with regard to not allowing of the flexes in central median and important places in the ULBs by issuing necessary instructions. The respondent No.3 also issued the Demand Notice, dated 27.08.2024 directing the petitioner to make payment within seven (07) days from the date of receipt of the same for the

year 2024-2025. But suddenly, on the next day itself, the respondent No.4 came out with the above said impugned endorsement, dated 28.08.2024 directing the petitioner to remove the flexes/banners/any kind of advertisements as detailed in the said endorsement, pursuant to the letter of the Director of Town and Country Planning, dated 14.08.2024 and the instructions of the Hon'ble Minister, dated 16.08.2024.

4. The learned counsel for the petitioner further submits that this impugned endorsement is contrary to the Demand Notice issued by the respondent No.3 and there is no objectionable material displayed under the permission granted by the respondent No.3, dated 09.11.2023 to the petitioner for erection of the advertisements of the display devices for the year 2023-2024.

5. On the other hand, the learned Standing Counsel and the learned Assistant Government Pleader appearing for the respondents submit that the above said permission was given only to the petitioner for the year 2023-2024 and the period from 2024-2025 has not yet arisen and as such the respondent Nos.2 to 4 can take appropriate decision whether to renew the proceedings of the respondent No.3, dated 09.11.2023 in favour of the petitioner for the next year or not, since, the above instructions of the DTCP, dated 20.08.2024 and the instructions of the Hon'ble Minister, dated 16.08.2024 to all the Municipal Commissioners including the respondent No.3 duly confirming that they have taken a decision not to continue these flexes/banners/etc at those places where the attention of the public may be distracted and accidents may occur.

In order to take preventive measures only, it appears such a decision is taken by the higher ups of the department. Further, if the petitioner makes any application to the above said endorsement of the respondent No.4, dated 28.08.2024, the same will be considered by following the due procedure.

6. In view of the above said facts and circumstances, it is made clear that the impugned endorsement of the respondent No.4, dated 28.08.2024 shall be treated as only Notice calling for the explanation of the petitioner in the light of the above said references mentioned therein. The petitioner is permitted to submit his explanation enclosing all the necessary documents in support of their claim to the above said endorsement of the respondent No.4, dated 28.08.2024 within a period of two (02) weeks from the date of receipt of this order. On receipt of the same, the respondent Nos.2 to 4 shall proceed with the necessary enquiry pursuant to the above said Notice of the respondent No.4, dated 28.08.2024 by hearing all the parties concerned including the petitioner and upon verification of the records and the locations where advertisements were displayed, appropriate decision shall be taken on its own merits as expeditiously as possible preferably within a period of two (02) months thereafter. Pending the above said enquiry, there shall not be any coercive steps and there shall not be any further erections and display of boards without permission of the respondent Nos.2 to 4. Subject to the outcome of the above said enquiry, the display of devices of lollipops made by the petitioner under the proceedings of the respondent No.3, dated

09.11.2023 shall be considered and if there is no further renewal of the same, the said display boards shall be allowed to be there only up to the end of the period granted for the year 2023-2024 i.e., up to 08.11.2024.

7. Accordingly, the Writ Petition is disposed of. Interim order, if any, deemed to have been vacated. There shall be no order as to costs.

As a sequel, Miscellaneous Petitions pending, if any, shall stand closed.

JUSTICE B KRISHNA MOHAN

Date: 30.08.2024
MSI