

(2006) 03 KAR CK 0031

In the Karnataka High Court

Case No : Writ Petition No's. 5939, 16123 and 27287 of 2004

M.S. Jaikumar Prop

APPELLANT

Vs

Bangalore Mahanagara Palike and Another

RESPONDENT

Date of Decision : 28-03-2006

Acts Referred:

Citation : (2006) 3 KarLJ 498 : (2006) 3 KCCR 143 SN

Hon'ble Judges : N.K. Patil, J

Bench : Single Bench

Advocate : S. Vishwajith Shetty, for the Appellant; Ashok Haranahalli, for the Respondent

Judgement

N.K. Patil, J

1 In all these Writ Petitions, Petitioners assailing the correctness of the endorsement dated 14th June 2004, communication dated 27th October 2003 and the rejection order dated 11th March 2004 respectively vide Annexure A in all the three Writ Petitions, issued by second respondent, have presented the instant Writ Petitions.

2. The only grievance of the petitioners in these petitions is that, petitioners have filed the applications for renewal of the registration as advertisers from second respondent to carryout outdoor advertising within the limits of First Respondent-Mahanagara Palike and petitioners have been displaying advertisements on the hoarding, Neo-signs erected by the petitioners" Advertising Agency and paying advertisement tax to the Mahanagara Palike in respect of the displays made by them. The said applications filed by petitioners had come up for consideration before the Second Respondent and the Second Respondent, after considering the request of petitioners, has rejected the applications on the ground that, petitioners have illegally been advertising without paying the taxes and without obtaining written permission from the Mahanagara Palike contrary to the Advertisement bye Laws and that, petitioners are also due to pay the

Advertisement taxes to the Palike. Therefore, the applications filed by them were rejected with an observation that, there is no provision to reconsider their request once again. Being aggrieved by the impugned endorsement, communication and the rejection order, as stated above, petitioners herein felt necessitated to present the instant Writ Petitions.

3. I have heard Learned Counsel appearing for petitioners and Learned Counsel appearing for respondents. After careful perusal of the impugned endorsement, communication and the rejection order, it emerges that, the request of petitioners has been rejected on grounds more than one. Apart from other grounds, the request of these petitioners are rejected on three grounds. i) petitioner has been displaying the advertisements illegally within the jurisdiction of Mahanagara Palike; ii) there are dues in respect of payment of advertisement taxes to Mahanagar Palike; iii) there are no good grounds for granting renewal of his registration as per relevant provisions of the Mahanagara Palike. As per Sub-clause (ii) of bye law No. 10 of the Advertisement bye laws of the Mahanagara Palike, "A licenced advertiser shall before displaying or causing the display of advertisements shall satisfy himself that, the tax due thereon has been paid and the Commissioner's approval obtained thereafter." (emphasis supplied). In the instant case, it is the stand of Mahanagara Palike that, petitioners are liable to pay huge amount of advertisement taxes and without paying the arrears of advertisement taxes and without taking permission in writing, they are illegally displaying the advertisement within the limits of the Mahanagara Palike, which is impermissible under the relevant Advertisement bye-laws of the Mahanagara Palike. After careful perusal of the relevant provision of the Advertisement bye law, as extracted above, and the reasoning given by Second Respondent for rejecting the applications filed by petitioners for renewal, I do not find any error much less irregularity as such committed by the said authority, nor petitioners have produced any communication issued by the competent authority of the Mahanagara Palike to substantiate their case that, there is no arrears of advertisement tax, to be paid by them to the Mahanagara Palike. Therefore, I do not find any justification or good grounds to entertain the instant Writ Petitions.

4. Further, so far as the submission made by Learned Counsel for petitioners that, petitioners, earlier had given complaint to Lokayukta against the Mahanagara Palike officials and therefore, respondents are taking vengeance against the petitioners by discriminating and bypassing vindictive orders to see that, petitioners' business is closed once and for all. The said submission and the specific ground taken by petitioners in the instant Writ Petitions cannot be accepted for the reason that, the minimum requirement for getting renewal of registration, as per the relevant provision of the Advertisement bye law, as extracted above is that, there should not be any dues pending from a person seeking such renewal. Moreover, petitioners have also not produced any authenticated document or "No due Certificate issued by the competent authority of the Mahanagara Palike to establish that, petitioners are not due in payment of any advertisement taxes to Mahanagara Palike.

5. Having regard to the facts and circumstances of the case as stated above, the Writ Petitions filed by petitioners are dismissed as misconceived.
6. With these observations, the Writ Petitions filed by petitioners stand disposed of.