

**HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
(Special Original Jurisdiction)**

MONDAY, THE THIRTIETH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

**THE HONOURABLE THE CHIEF JUSTICE ALOK ARADHE
AND
THE HONOURABLE SRI JUSTICE J.SREENIVAS RAO**

WRIT PETITION NO: 6756 OF 2014

Between:

M/s. VIOM Networks Limited, (Formerly known as Wireless-TT Info Services Limited) V Floor, Gowra Trinity, Begumpet, Hyderabad rep. by its Assistant Manager - Legal

...PETITIONER

AND

The Greater Hyderabad Municipal Corporation, represented by its Commissioner, Lower Tank Bund Road, Hyderabad.

...RESPONDENT

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 an appropriate Writ, order or direction, especially one in the nature of a Writ of Mandamus declaring the action of the respondent in demanding the property tax in respect of the towers erected by the petitioner company without issuing any notice to the petitioner and the proceedings bearing Proc. No. 1822/CT1/CTS/GHMC/2014, dated 06.02.2014, rejecting the objections raised by the petitioner company, without considering various grounds raised by the petitioner, as, arbitrary, illegal, without jurisdiction, contrary to the provisions of the Greater Hyderabad Municipal Corporation Act, 1955 and rules made thereunder and in utter violation of well settled principles of natural justice.

I.A. NO: 1 OF 2014(WPMP. NO: 8357 OF 2014)

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

stay of all further proceedings including taking coercive action for non-payment of property tax in respect of cellular towers erected by the petitioner company within the limits of Respondent Corporation, pending disposal of the writ petition.

Counsel for the Petitioner: SRI MOHD ISLAMUDDIN ANSARI

**Counsel for the Respondents: SRI D.NARSIMULU, SC FOR GHMC /
SRI K.RAVINDER REDDY, SC FOR GHMC**

The Court made the following: ORDER

THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE
AND
THE HON'BLE SRI JUSTICE J.SREENIVAS RAO

WRIT PETITION No.6756 of 2014

ORDER: *(Per the Hon'ble the Chief Justice Alok Aradhe)*

Mr. Mohd. Islamuddin Ansari, learned counsel for the petitioner.

2. In this writ petition, the petitioner *inter alia* has prayed for the following relief:

“For the reasons stated in the accompanying affidavit the petitioner prays that this Hon'ble Court may be pleased to issue an appropriate writ, order or direction, especially one in the nature of a writ of mandamus declaring the action of the respondent in demanding the property tax in respect of the towers erected by the petitioner company without issuing any notice to the petitioner and the proceedings bearing Proc.No.1822/CT1/CTS/GHMC/2014, dated 06.02.2014, rejecting the objections raised by the petitioner company, without considering various grounds raised by the petitioner as arbitrary, illegal, without jurisdiction, contrary to the provisions of the Greater Hyderabad Municipal Corporation Act, 1955 and rules made thereunder and in utter violation of well settled

principles of natural justice and to pass such other order or orders as are deemed fit and proper in the circumstances of the case.”

3. Learned counsel for the petitioner submits that the issue with regard to the liability to pay the property tax on the mobile tower has been adjudicated by the Supreme Court in **Ahmedabad Municipal Corporation vs. GTL Infrastructure Limited and others**¹.

4. A Bench of this Court had granted an ad-interim order on 07.03.2014 by which the respondent was restrained from taking any coercive measures till quantification of property tax on the mobile tower erected by the petitioner.

5. It is not in dispute that during the pendency of the writ petition, the tax has been quantified. So there is no interim order.

6. Learned counsel for the petitioner submits that the petitioner is aggrieved by the quantum of property tax.

¹ (2017) 3 SCC 545

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7. In case it is so, it is a separate cause of action. Therefore, the writ petition is disposed of with liberty to the petitioner to take recourse to such remedy as may be available to the petitioner in law with regard to quantification of the property tax.

Miscellaneous applications, if any pending, shall stand closed. There shall be no order as to costs.

SD/- A. SRINIVASA REDDY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Commissioner, Greater Hyderabad Municipal Corporation, Lower Tank Bund Road, Hyderabad.
2. One CC to SRI MOHD ISLAMUDDIN ANSARI, Advocate [OPUC]
3. One CC to SRI D.NARSIMULU, SC FOR GHMC [OPUC]
4. One CC to SRI K.RAVINDER REDDY, SC FOR GHMC [OPUC]
5. Two CD Copies

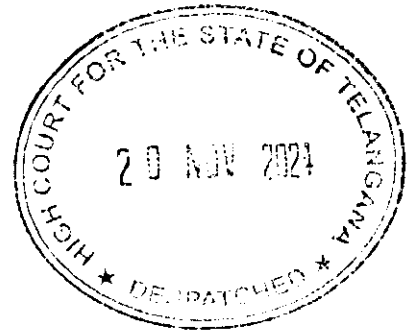
BSR
LS

HIGH COURT

DATED: 30/09/2024

ORDER

WP.No.6756 of 2014



**DISPOSING OF THE WRIT PETITION,
WITHOUT COSTS**

7 copies
for
4/11/24