

ORDER SHEET.
IN THE ISLAMABAD HIGH COURT, ISLAMABAD.
JUDICIAL DEPARTMENT.

Writ Petition No. 1803/2021

Sherazi Advertiser and others

Versus

Metropolitan Corporation, Islamabad through its Mayor, etc.

S. No. of order/ proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
	08.07.2021	Mr. Arif Khan, Advocate for petitioners. Malik Abdul Rehman, Advocate for respondents No.1 to 3/MCI. Ms. Misbah Gulnar Sharif, Advocate for respondents No. 4 to 7. Secretaries, Union Councils Jhangi Syedan, Lohi Bher, Rawat and Khana Dak, Islamabad in person.

Through the instant writ petition, the petitioners
have prayed for following relief: -

*“In the light of above it is respectfully that the instant petition may kindly accepted and the respondents shall be restrained from demanding any tax, fee or charge etc in terms of advertising or running the business of managing the sign boards/bill boards. Furthermore, this Hon’ble Court shall declare the demand of the respondents comes in the ambit of double taxation which is illegal and unlawful.
Any other relief deem fit by this Hon’ble Court may also be awarded in the interest of justice.”*

2. Learned counsel for the petitioners contends that all the petitioners are running business of sign boards/bill boards within the jurisdiction of Islamabad, after obtaining valid licenses and permission from the concerned union councils under the Islamabad Capital Territory Local Government Act, 2015 and they have paid all the due taxes to the concerned union councils, but respondents No. 1 to 3/MCI have removed/damaged their sign boards/bill boards or skins pasted on those sign boards installed on different locations, without any lawful authority.

3. Conversely, learned counsel for respondents No. 1 to 3/MCI contends that they have initiated action under the law, as all the petitioners had not replied notices issued to them by the DMA, MCI despite the fact that the MCI has authority to regulate the affairs of those union councils, who are not performing their duties in accordance with law.

4. On the other hand, learned counsel for respondents No. 4 to 7, who is representing the Secretaries, Union Councils Jhangi Syedan, Lohi Bher, Rawat and Khana Dak, Islamabad, contends that the Union Councils have taken all the taxes from petitioners in accordance with law qua the sign boards/bill boards installed within their jurisdiction, therefore, DMA, MCI has no authority to remove or damage those sign boards/bill boards. At this stage she has taken categorical stance that the period for which licenses have been issued to the petitioners for business of advertisement has already been expired by the efflux of time, therefore, the issue agitated in the instant writ petition could not be settled at this point of time.

4. Be that as it may, there is no denial to proposition that Union Councils have validly issued permission to the petitioners for doing business of advertisement through installation of sign boards/bill boards within their jurisdiction after receiving the due payments under the Islamabad Capital Territory Local Government Act, 2015 and as such the DMA, MCI has no right to remove or claim their authority by any

suppression of the powers conferred under the Islamabad Capital Territory Local Government Act, 2015.

5. At this stage, original work period for which licenses/permission was granted has been expired, therefore, any observation passed by this Court in this case may affect case of either parties, therefore, instant writ petition stands ***disposed of***.

5. The petitioners are at liberty to invoke all appropriate remedies including filing of suit for damages and recovery against the DMA, MCI for its illegal actions, if so advised.

(MOHSIN AKHTAR KAYANI)
JUDGE

Khuram