

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 3372 OF 2014

(Smt. Ketan w/o Sunilkumar Bansal vs. Assistant Commissioner, Zone-3, NMC & Anr.)

AND

WRIT PETITION NO. 4145 OF 2014

(Shri Ashok s/o Chintamanji Agrawal vs. Assistant Commissioner, Zone-3, NMC & Anr.)

Office Notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's orders

**CORAM : B.P. DHARMADHIKARI &
P.N. DESHMUKH, JJ.
OCTOBER 06, 2015.**

Heard Shri Vaidya, learned counsel for the petitioners.

The petitioners – subsequent purchasers, whose name has been mutated, complains that the property tax leviable on open plot has been revised without serving notice under Section 134 of City of Nagpur Corporation Act, 1948. The submission is after purchase, the amount as demanded was cleared on 05.09.2000. Thereafter on 16.02.2008, demand notice under Section 155 for the sum of Rs.53,998/- and Rs.54,348/- in respective petitions has been served. The petitioners objected to it but that objection has been disposed of without giving an opportunity of hearing to the petitioners. The order of rejection does not contain any reasons and it is passed by a successor in office who did not hear the petitioners on their objection.

Nobody appears for the respondents, though they are served prior to 15.04.2015.

In this situation, we direct the petitioners to deposit an amount of Rs.25,000/- in each of the petitions, without prejudice to their rights and contentions in the matters and only to show their bonafides with the office of Respondent No. 2 within a period of two weeks from today. If such deposit is made, Respondent No. 2 shall rehear the petitioners on objection and pass fresh orders upon it at the earliest and in any case within next three weeks.

We direct the petitioners to appear before Respondent No. 2 on 19.10.2015.

Accordingly, keeping all rival contentions open for consideration, we dispose of the present writ petitions. No order as to costs.

JUDGE

JUDGE

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