HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE

AND

THE HON'BLE SRI JUSTICE S.V. BHATT

<u>W.P.No.7105 OF 2003</u>

<u>ORDER</u>: *(Per the Hon'ble Sri Justice S.V.Bhatt)*

Heard learned counsel Sri Vedula Venkataramana for petitioner and the learned Standing Counsel for respondents.

The petitioner prays for Mandamus declaring the coercive steps initiated by the respondent Corporation to recover
property tax covered by bill No.2409 dated 11.07.2002, as arbitrary, illegal and consequently restrain the respondent Corporation from encashing the post dated cheques issued by the petitioner and her tenants on 17.04.2003 and direct the respondent Corporation to provide an opportunity of hearing to the petitioner before arriving at the comprehensive outstanding property tax arrears for the property covered by premises No.40-3-2, Krishna Nagar, Labbipet, Bandar Road, Vijayawada.

On 29.04.2003, this Court granted interim stay of collection of property tax covered by bill No.2409 dated 11.07.2002, subject to the petitioner depositing Rs.31,401/-. From the material available on record, it is noted that in spite of receipt of notice and interim order of this Court, the respondents have not filed counter affidavit to the complaint of petitioner against the impugned demand notice or intimated whether the conditions imposed by this Court is complied with or not.

Having regard to the fact that the interim order is subsisting from 29.04.2003, till date and that no counter affidavit is filed by respondents, we are satisfied that the writ petition can be disposed of by this order.

"The respondents are directed to treat bill No.2409 dated 11.07.2002 as show cause notice to levy consolidated demand for the periods referred in the demand notice and call upon the petitioner, within four weeks from the date of receipt of a copy of this order, to show cause why the property tax for the periods referred in the demand notice shall not be levied and collected from the petitioner and the petitioner is given two weeks time thereafter to file reply, if any, to the show cause notice issued by 2nd respondent and the 2nd respondent is directed to pass final orders on the levy and demand of consolidated property tax from the petitioner. Till a decision is taken and communicated to the petitioner, the interim order granted on 29.04.2003 shall remain operative".

Writ petition is, accordingly, disposed of. There shall be no order as to costs.

Consequently, miscellaneous petitions, if any pending, also stand disposed of.

DILIP B. BHOSALE, ACJ

S.V.BHATT, J

Date: 26.10.2015

Lrkm