

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH

THURSDAY, THE SECOND DAY OF JULY TWO THOUSAND AND
FIFTEEN

–
Present

HON'BLE SRI JUSTICE P.NAVEEN RAO

–
WRIT PETITION No.19883 of 2015

Between:

K. Srivalli,
W/o. Gurunath Gupta,
Aged 52 years,
R/o. House No.47/11B,
Bose Nagar, Rayachoti,
YSR Kadapa District.

.. Petitioner

AND

State of Andhra Pradesh,
Rep. by its Principal Secretary,
Municipal Administration &
Urban Development Department,
A.P. Secretariat, Hyderabad & another

.. Respondents

The Court made the following:

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HON'BLE SRI JUSTICE P.NAVEEN RAO

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ORDER:

With the consent of the learned counsel for the petitioner, the learned Government Pleader for Municipal Administration for the 1st respondent and Sri Md. Saleem, learned Standing Counsel for the 2nd respondent, this writ petition is disposed of at the admission stage.

2. According to the petitioner, she has constructed a building with deviations in Plot bearing No.49/25A, in Survey Nos.775/1 and 776/1 of Bose Nagar, Rayachoti. With reference to such construction, coercive action taken by the respondent Municipality and the complaints of neighbour are subject matter of writ petitions pending before this Court. While so, the Government issued orders in G.O.Ms.No.128, Municipal Administration and Urban Development (M1) Department, dated 22.05.2015, notifying the Andhra Pradesh Regulation and Penalization of Buildings Constructed Unauthorizedly and in Deviation of the Sanctioned Plan Rules, 2015. The petitioner intends to avail the benefit of such regularization scheme. One of the conditions for making such an application is that the applicant must furnish the latest property tax receipt number and also should enclose the latest property tax

receipt. Her building is not assessed on the ground that there are deviations/conversion of building into commercial property. The rules prescribe the last date of submission of such application as 17.07.2015. The case of the petitioner is that unless such assessment is made and receipt is furnished to her before 17.07.2015, she cannot make an application.

3. Learned Standing Counsel submits that as seen from the averments in the affidavit and the material papers enclosed to the writ petition, no application is made to the respondent Municipality for assessment of property tax and no relief as sought by the petitioner can be granted without even making an application.

4. Having regard to the said submissions, the Writ Petition is disposed of granting liberty to the petitioner to make an application to the respondent Municipality for grant of assessment of the property claimed to be owned and possessed by the petitioner in Plot No.49/25A in Survey Nos.775/1 and 776/1, Bose Nagar, Rayachoti. The petitioner shall submit such application, if so advised, within a period of two (2) days. If such application is received by the respondent Municipality, the same shall be considered and appropriate orders be passed within a period of one (1) week thereafter. The provisional assessment may be made only for the purpose of enabling the petitioner to submit an application for regularization under the rules notified in G.O.Ms.No.128, Municipal Administration and Urban Development (M1) Department, dated 22.05.2015. On making provisional assessment, the amount whatever is payable shall be received and a receipt be issued to that extent. Grant of such provisional assessment, payment of amount assessed and application to be submitted by the petitioner for regularization under the said rules shall be subject to the result of

W.P.Nos.28423, 32932 and 38988 of 2014. It is made clear that the Court has not expressed any opinion on the entitlement of the petitioner or the stand of the respondent Municipality on the main issue and the issue is confined to issuance of a provisional assessment of property and issuance of receipt of amount assessed for the purpose of enabling the petitioner to make an application in accordance with the rules notified in the said G.O. for making such application in view of time limit prescribed in the G.O. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

P.NAVEEN RAO, J

Date: 2nd July, 2015

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HON'BLE SRI JUSTICE P.NAVEEN RAO

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