

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

PRESENT

THE HON'BLE THE CHIEF JUSTICE SRI KALYAN JYOTI SENGUPTA

AND

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION NO.8278 OF 2015

DATED:27.3.2015

Between:

M. Sudha

... Petitioner

And

The State of Telangana

Rep. by its Principal Secretary

Municipal Department

Secretariat

Hyderabad

and others ... Respondents

THE HON'BLE THE CHIEF JUSTICE SRI KALYAN JYOTI SENGUPTA

AND

THE HON'BLE SRI JUSTICE SANJAY KUMAR

-

WRIT PETITION NO.8278 OF 2015

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ORDER: (per the Hon'ble The Chief Justice Sri Kalyan Jyoti Sengupta)

We have heard the learned counsel for the petitioner and the learned Standing Counsel for the respondent – Greater Hyderabad Municipal Corporation.

This writ petition has been filed challenging the order dt.21.2.2015 passed by the Deputy Commissioner, L.B. Nagar, Circle No.III, Greater Hyderabad Municipal Corporation, Hyderabad, in purported compliance of our order dated 24.7.2014. Our order specifically mandated that a speaking order should be passed, meaning

thereby there must be a reason as to why tax has been enhanced and what is the basis for such enhancement. But, in the impugned order nothing has been spelt out and it is cryptic one, and it is not in accordance with the directions of our order, to say the least.

We therefore set aside the impugned order. Let the matter be re-heard and disposed of by passing an appropriate order by the Deputy Commissioner, strictly in terms of our earlier order, with the guidance of the Commissioner himself, within four weeks from the date of receipt of a copy of this order. Meanwhile, no coercive steps shall be taken against the petitioner. Of course, the petitioner has to pay the admitted amount of tax.

The writ petition is accordingly allowed.

Since the petitioner had to approach this Court once again to challenge the patently illegal order and incur costs, the GHMC shall pay costs of Rs.1,000/- (Rupees one thousand only) to the writ petitioner. Such costs shall be paid within fortnight from the date of receipt of a copy of this order.

Pending miscellaneous petitions, if any, shall stand closed.

K.J. SENGUPTA, CJ

SANJAY KUMAR, J

27.3.2015

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