

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.3890 OF 2015

DATED: 20.2.2015

Between:
D.Srinivas Rao

... Petitioner

And

1. Greater Hyderabad Municipal Corporation, Hyderabad and another
... Respondents

**THE HON'BLE THE CHIEF JUSTICE SRI KALYAN JYOTI
SENGUPTA
AND
THE HON'BLE SRI JUSTICE SANJAY KUMAR**

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WRIT PETITION No.3890 OF 2015

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

No counter-affidavit is required to be filed, in this matter, at this stage and we think that the writ petition can be disposed of finally by the following order.

The impugned notice of demand is challenged on the ground that without giving any opportunity of being heard and even without considering the representations made, the impugned notice for recovery of property tax, has been issued. We find this is an atrocious action on the part of the Greater Hyderabad Municipal Corporation (GHMC), not only in violation of principles of natural justice, but also abuse of power, which is called malice in law. We keep this demand in abeyance until fresh decision is taken in terms of our following decision.

Therefore, we direct the Commissioner of GHMC or any other officials, who might be authorized by the Commissioner, to consider the petitioner's representations made, objecting to the demand. Before such consideration a notice be issued to the petitioner, who in response thereto shall appear before the officer concerned, who will decide the matter in accordance with law with reasons. The entire

exercise shall be completed within a period of eight (8) weeks from the date of communication of this order. Till such time, no coercive steps shall be taken. In the event in spite of notice the writ petitioner does not appear, the issue will be closed chapter. In that case our order will stand recalled and impugned demand will revive. We have not decided anything in this matter on merits.

The writ petition is accordingly disposed of.

Consequently, the miscellaneous applications, if any pending, shall also stand closed. There will be no order as to costs.

K.J. SENGUPTA, CJ

SANJAY KUMAR, J

20.2.2015

gj/va