

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.10662 OF 2015

DATED:17.4.2015

Between:

Madrasatul Haram-

the Muslim Educational and Welfare Society

10/290, Near KC Canal

Ameenpeer Road,

Kadapa – 516001

A.P.

Represented by its President Mr. S. Khader Basha ... Petitioner

And

Municipal Corporation of Kadapa

Represented by its Commissioner

Kadapa

Y.S.R. Kadapa District ... Respondent

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.10662 OF 2015

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

Learned counsel for the respondent Municipal Corporation does not want to file counter affidavit rather he suggests that the matter may be disposed of on the basis of the writ petition.

The writ petition has been filed alleging inaction on the part of the respondent Corporation in not taking a decision on the representation made by the petitioner for exemption from payment of the property tax under Section 202 of the Greater Hyderabad Municipal Corporation Act, 1955.

It appears that in past the petitioner has paid some property tax, but later it made representation for exemption. Without taking decision on such representation, the municipal authority is making demand for payment of property tax for an amount of Rs.3,97,000/- by the petitioner.

In these circumstances, we direct the Commissioner of the respondent Municipal Corporation to consider the petitioner's representation for grant of exemption from payment of property tax, after giving notice to it, and pass a speaking order. However, this exercise shall be undertaken provided the petitioner deposits a sum of Rs.2,00,000/- (Rupees two lakhs only) with the Municipal Corporation within two weeks from date. If no such deposit is made, then this order will stand recalled. The deposit so to be made will abide by the result of such decision and in the event exemption is granted obviously the amount will be refunded.

The writ petition is accordingly disposed of.

Pending miscellaneous petitions, if any, shall stand closed. There will be no order as to costs.

K.J. SENGUPTA, CJ

SANJAY KUMAR, J

17.4.2015

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