

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.8643 OF 2015

DATED:31.3.2015

Between:

Akhila Bharatha Srisaila Kshethra Aryavysya

Nithya Annapurna Sathram

Rep. by its President Golla Sambasiva Rao

Cumbum

Prakasam District

... Petitioner

And

The State of A.P.

Rep. by its Principal Secretary

Panchayat Raj & Rural Development Department

Secretariat

Hyderabad

and others ... 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.8643 OF 2015

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

Learned counsel for the respondent – Gram Panchayat does not want to file any counter and invites us to take a decision without counter.

The petitioner states that the property in question owned by it had not never been subjected to any property tax since long as it is being used for charitable purposes, notwithstanding impugned notice was issued by respondent No.3 demanding payment of property tax for the period from 2006-2007 to 2014-2015. The petitioner

contends that exemption should have been granted automatically under Rule 5 of the Rules Relating to Levy of House Tax.

We think that these are factual aspects of the matter and have to be considered by the respondent panchayat authorities.

We therefore direct the respondent panchayat authorities to issue a notice to the petitioner and give it an opportunity of hearing. The petitioner would be free to appear before the panchayat authorities and place all material to justify its claim for exemption from payment of property tax. The appropriate official of the panchayat authority shall consider the same and pass a speaking order within four weeks from the date of communication of this order. Till such decision is taken, no coercive measures shall be taken. After a decision is taken, the parties will be free to take action in accordance with law as may be advised. In the event the petitioner does not turn up in spite of service of notice, then our order will stand recalled and the writ petition shall stand dismissed.

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

31.3.2015

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