

THE HON'BLE THE CHIEF JUSTICE SRI KALYAN JYOTI
SENGUPTA

AND

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.3445 of 2015

DATE: 18.02.2015

Between:

M/s. Blue Nile Developers Private Limited,
Hyderabad.

... Petitioner

And

The Greater Visakhapatnam Municipal Corporation,
Rep. by its Commissioner,
Visakhapatnam and another.

... Respondents

This Court made the following:

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

WRIT PETITION No.3445 of 2015

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

This Writ Petition has been filed for issuing a Writ of Mandamus questioning the action of the respondents in demanding upto date Vacant Land Tax *vide* order dated 19.09.2014.

It appears from the Writ Petition previously the Municipal Corporation has collected the aforesaid tax. Now, the writ petitioner is contending that it is not liable to pay such tax and has made a representation to that effect.

We therefore direct the Commissioner of Greater Visakhapatnam Municipal Corporation or any other officials delegated by him, to consider the petitioner's representation as to liability of making such payment of tax. The Commissioner shall pass a speaking order after serving a notice to the petitioner and hearing it. While deciding the issue, if it is found that the petitioner is not liable to pay tax, then the amounts so collected shall be refunded. The entire exercise shall be completed within a period of eight weeks from the date of communication of this order. No coercive measures shall be taken till decision is taken by the Municipal Corporation. All points are kept open. We have not decided anything on the merits of the case.

The Writ Petition is accordingly disposed of.

Pending miscellaneous petitions, if any, shall stand closed. No costs.

K.J. SENGUPTA, CJ

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SANJAY KUMAR, J

Date: 18.02.2015

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