

THE HON'BLE SRI JUSTICE DILIP B.BHOSALE

AND

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No. 3279 of 2015

P.C.: (per the Hon'ble Sri Justice Dilip B.Bhosale)

Heard Mr.A.Sudershan Reddy, learned Senior Counsel for the petitioner and Mr.Radha Krishna Reddy, learned counsel for the respondent-Municipal Corporation.

Learned Senior Counsel for the petitioner, at the outset, invited our attention to the order passed by this Court, dated 18.02.2015, in W.P.No.3253 of 2015 and submitted that challenge raised in the instant writ petition to the demand and the challenge that was raised in the said writ petition is identical and that this writ petition may be disposed of in terms of the order, dated 18.02.2015.

Learned counsel appearing for the respondent-Municipal Corporation consents for disposing of this writ petition in terms of the order, dated 18.02.2015, passed in W.P.No.3253 of 2015 by the Division Bench, presided over by the Hon'ble the Chief Justice, which reads thus:

“After hearing Sri A. Sudershan Reddy, learned Senior Advocate appearing for the petitioner and the learned Standing Counsel for the

Greater Hyderabad Municipal Corporation, we dispose of the writ petition by the following order.

As we feel, at this stage, the Court will not interfere with the matter precisely because without giving any chance of hearing to the writ petitioner, the impugned demand notice has been issued. According to us, it is not permissible under the law. However, in order to avoid the technicalities and the prolongation of this matter, we pass the following orders:

Let the impugned demand notice dated 19.1.2015 be treated to be a notice to show cause and the petitioner will be free to make a written representation objecting the aforesaid demand. This shall be done within a fortnight from the date of receipt of a copy of this order and if such representation is made, the Commissioner and/or any official delegated by him should re-consider the objection of the petitioner after serving a notice of hearing and then to pass a speaking order. In that process, it would be open for the Municipal Corporation to pass an appropriate order in accordance with law. Till such hearing takes place, no coercive measures shall be taken. If no such representation is made by the petitioner, then the issue will be a closed chapter. The demand notice should be treated to be a final one. The entire exercise shall be completed within a period of eight weeks from the date of communication of this order.

The writ petition is accordingly disposed of.”

In the present writ petition also, similar demand notice, dated 09.01.2015, is impugned by the petitioner-minority institution. In view thereof, this writ petition is also disposed of in terms of the order, dated 18.02.2015.

Writ petition is accordingly disposed of.

Consequently, miscellaneous petitions, if any, also stand disposed of.

DILIP B.BHOSALE,J

A.RAMALINGESWARA

RAO,J

Dt:02.03.2015

Note: Issue certified copy tomorrow.
(B/o)
kdl