HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE

AND

THE HON'BLE SRI JUSTICE S.V. BHATT

W.P.No.1310 OF 2004

ORDER: *(Per the Hon'ble Sri Justice S.V.Bhatt)*

The petitioners pray for writ of Certiorari to quash the notice dated 06.12.2003 bearing No.86/03-04 issued by the 2nd respondent under Section 633 of the Hyderabad Municipal Corporation Act, 1955, as illegal and arbitrary. The petitioners pray for a consequential direction to afford opportunity of hearing to petitioners pursuant to demand notices dated 23.11.2002 and 05.11.2003.

On 27.01.2004, this Court restrained the respondents
from taking coercive steps pursuant to the impugned notice.
The interim order is subsisting as on date.

We have heard learned counsel for the parties and perused the material available on record. Without getting into the controversy as to whether the amount demanded through notice dated 06.12.2003 is legally tenable or not, we are satisfied that the writ petition can be disposed of by considering these circumstances.

Through communication No.608/Tax/C.12/98-99 dated 30.03.1999, it is alleged by the petitioners that the respondents granted vacancy remission to the premises bearing No.2-2-139/A, MG Road, Secunderabad for the period 01.04.1998 to 31.03.1999. Through the notices of demand referred to above, arrears of property tax, current property tax and penal charges at
2% per month on the outstanding amount was levied and demanded. The petitioners admittedly submitted explanation to the notices received from the respondents and the learned Standing Counsel appearing for the respondents is not in a position to state whether the impugned demand was issued pursuant to any order being

passed by the respondents or not.

The writ petition was admitted on 05.02.2004 and the interim order granted is still in force. We are satisfied that the writ petition can be disposed of by this order:

"The impugned notice dated 06.12.2003 bearing No.86/03-04 issued by the 2nd respondent is set aside. The matter is remitted to the Additional Commissioner/2nd respondent for re-consideration of the issue of levy of property tax for premises bearing No.2-2-139/A within a period of two months from the date of receipt of a copy of this order. The interim order granted on 27.01.2004 shall remain operative for three months from today".

Writ petition is, accordingly, disposed of. There shall be no order as to costs.

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

DILIP B. BHOSALE, ACJ

S.V.BHATT, J

Date: 03.11.2015

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