

**HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH**

WEDNESDAY, THE TWENTY FIFTH DAY OF MARCH,
TWO THOUSAND AND FIFTEEN

:PRESENT:
THE HON'BLE SRI JUSTICE **A.RAJASHEKER REDDY**

WP .NO: 8184 of 2015

Between:
M/s. Vysya Hostel Trust Board, rep. by its Secretary, Premises No. 3-4-283, Kacheguda, Hyderabad. Petitioner

AND

1. State of Telangana, rep. by its Principal Secretary, Municipal Administration, Secretariat Buildings, Hyderabad.
 2. The Chief Commissioner, Greater Hyderabad Municipal Corporation, Tank Bund Road, Hyderabad.
 3. The Deputy Commissioner, Circle-IX, Abids, Greater Hyderabad Municipal Corporation, Hyderabad.
-Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein, the High Court may be pleased to issue Writ, Order or direction more particularly in the nature of Writ of Mandamus by declaring the notice under Sec. 636 of HMC Act dt.23-03-2015 issued by the respondents without following the due process of law and the actions of the respondents No. 1, 2 & 3 in threatening to demolish the existing structure in premises bearing No.3-4-283, Kachiguda, Hyderabad pursuant to the said notice and also the action being initiated by the respondents to seize the said premises by evicting more than 700 students from the said premises bearing No.3-4-283, Kachiguda, Hyderabad, by locking the premises, alleging and demanding to pay the property tax of Rs.18,00,000/- without issuing any notice of demand and without following the due process of law and in spite of the stay orders granted by the Appellate authority, Chief Judge, City Small Causes Court, vide Orders dt. 07-03-2013 in I.A.No. 207 of 2013 in M.A. No. 54 of 2013 and consequently restraining the respondents 1 to 3 herein from taking any coercive steps against the petitioner and from taking any actions of demolition of the structure in premises bearing No.3-4-283, Kachiguda, Hyderabad and also action of seizing the property or locking the premises bearing No.3-4-283, Kachiguda, Hyderabad under the guise of recovery of property tax.

WPMP.No. 10786 of 2015:

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Petition under Section 151 of CPC praying that in the circumstances stated in the affidavit filed herein, the High Court may be pleased to direct the respondents herein not to take any coercive steps against the petitioner in respect of the said premises under the guise of collection of property tax including to cause any demolition of the said structures in the premises bearing No. 3-4-283, Kachiguda, Hyderabad and not to seize or not to lock any part of the premises bearing No. 3-4-283, Kachiguda, Hyderabad, pending disposal of WP.No. 8184/2015 on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed herein and upon hearing the arguments of Sri G.Dhananjai, Advocate for the Petitioner and of Sri R.Radha Krishna Reddy – S.C. for the Respondents, the Court made the following

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ORDER:

“ Heard learned counsel for the petitioner.

The specific assertion of the learned counsel for the petitioner is that without issuing any prior notice under Sections 452(1) and 461(1) of the HMC Act, 1955, straight away notice under Section 636 of the Act was issued to the petitioner and the same is in violation of principles of natural justice.

Print the name of Sri R.Radha Krishna Reddy, learned Standing Counsel, who takes notice on behalf of the respondents 1 to 3 and he shall get instructions and also record regarding issuance of notice under Sections 452(1) and 461(1) of the Act.

Post after one week in motion list.

Till then, Status quo obtaining as on today shall be maintained. However, the petitioner shall not make any further construction.”

ASSISTANT REGISTRAR

//TRUE COPY//

for ASSISTANT REGISTRAR

To

1. The Principal Secretary, Municipal Administration, State of Telangana, Secretariat Buildings, Hyderabad.
2. The Chief Commissioner, Greater Hyderabad Municipal Corporation, Tank Bund Road, Hyderabad.
3. The Deputy Commissioner, Circle-IX, Abids, Greater Hyderabad Municipal Corporation, Hyderabad.
4. One CC to Sri G.Dhananjai, Advocate(OPUC)
5. One spare copy.

SAH

HIGH COURT

ARRJ

DATED: 25-03-2015

NOTE: POST AFTER ONE WEEK
IN MOTION LIST

ORDER

WP.NO. 8184 OF 2015

STATUS QUO

DRAFTED BY: SAH
APPROVED BY:
DRAFTED ON: 26-03-2015

HIGH COURT

ARRJ

DATED: 25-03-2015

NOTE: POST AFTER ONE WEEK
IN MOTION LIST

ORDER

WP.NO. 8184 OF 2015

STATUS QUO