

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

WRIT PETITION NO.5502 OF 2015

DATED:19.3.2015

Between:

Fazal Ahmed Khan ... Petitioner

And

The State of Telangana
Rep. by its Principal Secretary
Municipal Administration Department
Secretariat Buildings
Hyderabad
and others ... Respondents

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

After hearing the learned counsel for the parties, we dispose of this matter by the following order.

It is alleged in paragraph 5 of the writ affidavit that without giving notice or any opportunity of hearing to the petitioner, the property tax has been enhanced and followed by demand for payment.

Learned Standing Counsel appearing for respondent – Corporation fairly submits that in a case of this nature his client does not want to file any counter affidavit.

In view of this, we direct the respondent – Municipal Corporation to keep the impugned demand for payment of property tax in abeyance until a decision in terms of this order is taken. The Corporation shall serve notice to the petitioner to take a decision on the representation made by the petitioner. In spite of such notice, if the petitioner does not turn up, the order passed by us today will stand recalled and the demand for payment of property tax at enhanced rate will stand revived. In the event the petitioner does so for hearing, he should be heard and thereafter a speaking order shall be passed. In the process, the original valuation as well as assessment of property tax may be modified/varied as the situation warrants. The entire exercise shall be completed within six weeks from the date of communication of this order. In the meantime, the petitioner shall pay the property tax as per the old valuation. This payment will abide by the result of decision to

be taken by the Corporation on the representation of the petitioner. We make it clear that we have not observed anything on the merits of the case.

With the above directions, the writ petition is disposed of. There will be no order as to costs.

Consequently, pending miscellaneous petitions shall stand closed.

K.J. SENGUPTA, CJ

SANJAY KUMAR, J

19.3.2015

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