

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE

AND

HON'BLE SRI JUSTICE S.V. BHATT

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WRIT PETITION No.11382 OF 2003

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

The Food Corporation of India invokes the jurisdiction of this Court under Article 226 of the Constitution of India with the following prayer:

“.....to issue a writ order or direction more particularly one in nature of Writ of Mandamus declaring the action of the respondent in enhancing the property tax from Rs.21,685/- to

Rs. 95,178/- per half year to the tune of 340% increase w.e.f.

01-04-2002 in respect of petitioner's food storage depot at Sattenapally as illegal, arbitrary and contrary to G.O. Ms. No. 167 dated 18-04-2002 and set aside the proceedings No.631/2001-A1, dated 21-02-2003 issued by the respondent herein by declaring it as contrary to G.O.Ms.No.167 dated 18.04.2002 and also set aside the demand notices issued by the respondent seeking to collect enhanced tax and also declare the proceedings in Roc.No.631/01-A, dated 11-06-2003 issued by the respondent herein asking the FCI to pay the property tax of Rs.1,90,356/- within 24 hours as illegal, arbitrary and contrary to Rules and set aside the same, and consequently direct the respondent to revise the property tax in respect of the petitioner's food storage depot at Sattenapally by following G.O.Ms.No.167 dated 18-04-2002 in the interest of justice...”

On 20.06.2003, this Court, while admitting the writ petition, has passed the following order in WPMP.No.14199 of 2003, which reads thus:

“Sri D.Srinivas, counsel takes notice on behalf of the respondent and seeks time to file counter.

Pending further orders there shall be interim stay on condition of the petitioner depositing 50% of the demand within a period of two weeks from today.”

The learned counsel appearing for the petitioner submits that the petitioner has complied with the condition imposed by this Court through order dated 20.06.2003.

None appears for respondent. With the assistance of learned counsel appearing for

the petitioner, we have gone through the material available on record. As no counter affidavit is filed by the respondent and none appears for the respondent, we are satisfied that the following order would meet the ends of justice.

“The petitioner is given four weeks time from today to represent the respondent against the impugned demand. The respondent on receipt of such representation by giving an opportunity of being heard to the petitioner disposes of the same within a further period of four weeks thereafter. Till a decision is taken by the respondent, the interim order granted on 20.06.2003 shall be in force.”

The writ petition is disposed of in the above terms.

No costs.

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

DILIP B. BHOSALE, ACJ

S.V.BHATT, J

Date: 30.07.2015

Stp/Lrkm