IN THE HIGH COURT OF JUDICATURE AT HYDERABAD

FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

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WRIT PETITION No. 3589 OF 2001

Between:

St. Anns Hospital, rep., by its Administrator,

Hyderabad.

… Petitioner

And

Municipal Corporation of Hyderabad,

Rep., by its Commissioner, Hyderabad,

& others.

… Respondents

DATE OF JUDGMENT PRONOUNCED: **29.07.2015**

<u>SUBMITTED FOR APPROVAL:</u>

THE HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE

AND

HON'BLE SRI JUSTICE S.V. BHATT

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1. Whether reporters of local newspapers Yes/No
may be allowed to see the judgments?

2. Whether the copies of judgment may be Yes/No
marked to Law Reporters/Journals?

3. Whether Their Ladyship/Lordship wish to Yes/No
see the fair copy of the judgment?

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE

AND

HON'BLE SRI JUSTICE S.V. BHATT

WRIT PETITION No. 3589 OF 2001

ORDER: (per the Hon'ble the Acting Chief Justice Dilip B. Bhosale)

This writ petition under Article 226 of the Constitution of India impugns the proceedings, dated 12/13.02.2001, calling upon the petitioner to pay service charges and property tax to the tune of Rs.89,983/- along with 2% penal interest, as arbitrary, unreasonable and unjust. Petitioner further seeks consequential direction to the respondents not to enforce the demand notice and declare that collection of a sum of Rs.30,000/- from it towards property tax is without authority of law.

We have heard learned counsel for the petitioner and with his assistance perused the impugned proceedings.

From perusal of the proceedings, dated 12/13.02.2001, it appears that the Municipal Corporation directed to pay service charges and property tax within seven days to avoid further action. It was also mentioned in the proceedings that the same may be treated as demand notice under Section 268 of the Hyderabad Municipal Corporation Act, 1955 (for short, "the Act"). Section 268 of the Act came to be deleted in 2013.

Keeping that in view and considering the case of the petitioner that it being a charitable institution covered by Section 202 of the Act is exempted from being levied tax in respect of its building/land and considering that none appears for the respondents and having regard to the amount that was demanded in 2001, we are satisfied that this writ petition can be conveniently disposed of by the following order:

"It is open to the petitioner to file its reply to the proceedings, dated 12/13.02.2001, treating it as a show cause notice within a period of six weeks from today and if any such representation is made, the concerned authority may consider the same on merits in accordance with law and in the light of the provisions of Section 202 of the Act. If the respondents, prima facie, are not inclined to grant exemption as prayed for by the petitioner in terms of Section 202 of the Act, they shall grant an opportunity of being heard to it. It is needless to mention that the respondents shall dispose of the petitioner's representation as expeditiously as possible and preferably within a period of four months from the date of receipt of the representation. Till the petitioner's representation is decided, as aforementioned, the interim order passed by this Court on 02.03.2001 shall remain operative. All contentions on merits are kept open."

With these observations, writ petition is disposed of.

Miscellaneous petitions, if any, shall also stand disposed of. No order as to costs.

DILIP B. BHOSALE, ACJ

S.V. BHATT, J

Date: 29.07.2015

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