

THE HON'BLE SRI JUSTICE G. CHANDRAIAH

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AND

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THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

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WRIT PETITION No. 22274 of 2006

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ORDER: (per CKR,J)

The grievance of the petitioner, as can be culled out from the writ affidavit, is that without issuance of any orders in writing, a demand for Rs.1,33,000/- was made towards municipal taxes for the properties bearing premises Nos.25-1-117, 25-4-109, 25-4-98, 25-4-99, 25-1-37, 25-4-101, 25-1-106, 25-4-108 and 25-1-113 situated at Ramachandrapuram Agraharam, Guntur. It is the submission of the petitioner that on an earlier occasion, when a demand for payment of arrears of tax was made, the petitioner filed W.P.Nos.28241, 28753 and 28754 of 1995 and the same came to be allowed by this Court by order dated 04.10.2004. While allowing the writ petitions, this Court directed the petitioner to avail statutory remedies available under the provisions of the Hyderabad Municipal Corporation Act, giving liberty to the petitioner to file his objections before the 1st respondent within four weeks from the date of the order. In obedience to the orders of this Court, the petitioner in fact filed objections on 24.11.2004 and further followed it up with another representation. Without disposing of the said representations, the authorities are visiting the petitioner and demanding the tax to be paid.

2. Learned counsel for the petitioner submits that this Court while ordering Rule Nisi on 27.10.2006 passed interim direction restraining the authorities from initiating coercive steps against the petitioner in respect of the property bearing Nos.25-1-117, 25-4-109, 25-4-98, 25-4-99, 25-1-37, 25-4-101, 25-1-106, 25-4-108 and 25-1-113 situated at Ramachandrapuram Agraharam, Guntur.

3. The matter is listed for hearing today. We find that there is no counter affidavit filed by the respondent authorities. In the circumstances of there being no counter and considering the fact that this Court on an earlier occasion directed the petitioner to avail the statutory remedies, pursuant to which the petitioner filed objections before the 1st respondent, we are inclined to dispose of the writ petition with a direction to the 1st respondent to consider the specific objections raised by the petitioner and pass appropriate orders, in accordance with law, and only thereafter issue a demand notice if the petitioner is otherwise found to be liable to pay tax. Inasmuch as the interim order is passed on 27.10.2006, the interim order shall operate till the disposal of the representations of the petitioner by passing orders by the respondent Corporation. Even after the order is passed by the respondent Corporation, if the petitioner is aggrieved, then the petitioner would be entitled to avail the remedies under the Hyderabad Municipal Corporation Act, as applicable to the Guntur Municipal Corporation.

4. The writ petition is disposed of, accordingly. No costs. Miscellaneous petitions, if any pending, shall stand closed.

G. CHANDRAIAH, J

CHALLA KODANDA RAM, J

03rd September, 2015

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