

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

PRESENT

THE HON'BLE THE CHIEF JUSTICE SRI KALYAN JYOTI SENGUPTA

AND

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION NO.8967 OF 2015

DATED:01.04.2015

Between:

Vagdhevi Educational Society, Hyderabad,

Represented by Smt.S.Aruna.

...Petitioner.

And

The Greater Hyderabad Municipal Corporation,

Represented by its Commissioner,

Hyderabad and another.

... Respondents.

THE HON'BLE THE CHIEF JUSTICE SRI KALYAN JYOTI SENGUPTA

AND

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.8967 of 2015

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

After hearing learned counsel for the parties, we dispose of the writ petition by the following order.

This writ petition has been filed challenging the order, dated 13.03.2015, wherein the Municipal Corporation proposed to enhance the property tax on the ground for which no notice was issued. Before passing of the impugned order, a proposal for tax was issued on some other ground, not on the ground of plinth area.

Under these circumstances, we are inclined to accept the contention of the learned counsel for the petitioner that hearing was taken on one ground and decision was taken on different ground for which the petitioner was not notified to answer.

We therefore, direct the respondent–municipal authority concerned to treat the impugned order as a fresh proposal for increase of the property tax on the ground mentioned above. He shall decide the matter afresh strictly on the basis of the reasons mentioned in the impugned order. After hearing the petitioner, fresh orders shall be passed. This exercise shall be completed within eight (8) weeks from the date of communication of this order. Till such decision is taken, no coercive measures shall be taken.

The writ petition is accordingly disposed of.

Pending miscellaneous petitions, if any, shall stand closed. There will be no order as to costs.

K.J. SENGUPTA, CJ

01.04.2015

GJ