

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

**WEDNESDAY, THE TWENTY THIRD DAY OF SEPTEMBER TWO
THOUSAND AND FIFTEEN**

Present

HON'BLE SRI JUSTICE P.NAVEEN RAO

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WRIT PETITION No.31058 of 2015

Between:

Smt. Vardhineedi Swarna Lathan,
W/o. Ganapathi Kondayya,
Aged 32 years, R/o. D.No.9-16-3/1,
Savitrupeta, Tadepalligudem,
West Godavari District.

.. Petitioner

AND

The State of Andhra Pradesh,
Rep. by Principal Secretary,
M.A. & U.D. Dept., Secretariat,
A.P. Division, Hyderabad & another

.. Respondents

The Court made the following:

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ORDER:

The petitioner challenges the notice issued by the 2nd respondent Municipality, dated 11.02.2015. Through this notice, the 2nd respondent Municipality demands payment of property tax upto March, 2015, of Rs.44,295/- as due payable by the petitioner.

2. According to the learned counsel for the petitioner, exorbitant amount is demanded when the petitioner is not due to pay such amount and, therefore, the notice is challenged in this writ petition.

3. It is not in dispute that the 2nd respondent Municipality is entitled to collect property tax. If the property tax is not paid or according to the 2nd respondent Municipality, if there is deficiency in payment of requisite amount of

property tax, the 2nd respondent Municipality is competent to call upon the owner of the property to pay the house tax. In the said manner only, the impugned notice is issued. If it is the case of the petitioner that the amount demanded is excessive or that the amount demanded is already paid, he should appear before the competent authority and explain the amount paid or amount payable by her, but she cannot straight away challenge the said notice in this Court. It is not a case where the notice is issued by the incompetent authority or the 2nd respondent Municipality is not authorized to issue such notice. Hence, the Writ Petition in the present form is not maintainable and it is liable to be disposed of.

4. Accordingly, the Writ Petition is disposed of, leaving it open to the petitioner to represent to the Commissioner, Tadepalligudem Municipality, Tadepalligudem, West Godavari District (2nd respondent) and to satisfy the 2nd respondent Municipality that the amount demanded is excessive than what is due to be paid by her. As and when such a request is made by the petitioner, the same shall be considered and a final order be passed. The petitioner shall appear before the 2nd respondent Municipality on 05.10.2015 and appropriate orders be passed by the Commissioner within a period of one (1) week thereafter. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

P.NAVEEN RAO, J

Date: 23rd September, 2015

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HON'BLE SRI JUSTICE P.NAVEEN RAO

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WRIT PETITION No.31058 of 2015

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Date: 23rd September, 2015

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