

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

(Special Original Jurisdiction)

PRESENT

THE HON'BLE THE
CHIEF JUSTICE SRI KALYAN JYOTI SENGUPTA
AND
THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION NO.30689 OF 2014

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DATED: 20-01-2015

Between:

Sri M. Narsi Reddy

.. Petitioner

And

The Cantonment Board, Secunderabad
and others

.. Respondents

THE HON'BLE THE CHIEF JUSTICE SRI KALYAN JYOTI
SENGUPTA
AND
THE HON'BLE SRI JUSTICE SANJAY KUMAR

-
WRIT PETITION NO.30689 OF 2014
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ORDER: (per Hon'ble the Chief Justice Sri Kalyan Jyoti Sengupta)

This writ petition has been filed impugning the order of the Cantonment Board, the first respondent, enhancing the property tax and also the demand for the period from 1st April, 2012 to 31st March, 2014. The sum and substance of the grievance of the petitioner is that without giving any opportunity of being heard, the valuation of the property was enhanced, so also the property tax.

In the counter-affidavit, it has been stated that in fact, the petitioner personally appeared before the hearing officer and consented to the valuation questioned here, and that the proposed property tax was reduced by 30% at his request and the petitioner accepted the same. To support this statement, records were also produced before us and such records were also shown to the learned lawyer for the petitioner. In the records, supporting the service of notice a signature alleged to be of the petitioner was there. In the affidavit in reply, the petitioner has specifically denied that it is his signature. He also denied that he ever appeared.

It is a case of oath versus oath and when the writ petitioner has come forward to deny his signature, no further additional evidence is available to disbelieve the petitioner's

version. Accepting the submission of the learned counsel for the writ petitioner, benefit of doubt is to be given in this case to hold that no notice was served nor did the petitioner appear before the authority for hearing. We therefore set aside the impugned order and we give liberty to the first respondent to proceed afresh in accordance with law after service of notice on the petitioner. We think that by way of abundant caution and for avoidance of possible controversy as regards service of notice, an additional notice may be served on the learned lawyer who appears for the petitioner and in spite of such notice if the petitioner does not appear, it would be open to the first respondent to decide the matter in his absence.

The writ petition is accordingly disposed of. Pending miscellaneous petitions, if any, shall stand closed. No order as to costs.

K.J. SENGUPTA, CJ

SANJAY KUMAR, J

20-01-2015

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