

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.13185 of 2011

ORDER:

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This Writ Petition is filed seeking issuance of mandamus declaring the inaction of the respondent in not considering application No.485, dated 01.02.2011, for Assessment of House Tax in respect of plot No.37 in survey No.74, situated at East Marredpally, Secunderabad, as arbitrary and illegal.

2. The petitioner herein claims to be absolute owner and possessor of house plot bearing No.37 admeasuring 436 square yards, situated at East Marredpally, Secunderabad. He purchased the same for a valuable consideration under a registered sale deed vide document bearing No.2050/1984 and ever since he has been in possession and enjoyment of the same. While the matter stood thus, the Tahsildar, Marredpally, filed a land grabbing case in L.G.C.No.167 of 1997 before the Special Court. During the pendency of the said case, the petitioner made an application seeking regularization of aforementioned plot as per G.O.Ms.No.166, dated 16.02.2008. Consequently, the District Collector, Hyderabad, and the Committee constituted under G.O.Ms.No.370, considered the application filed by the petitioner and regularized the said house plot as per G.O.Ms.No.166, dated 16.02.2008. The petitioner also paid a sum of Rs.10,90,865/- through challan Nos.103997 and 158761, dated 29.06.2009 and 24.10.2009 respectively in favour of Government of Andhra Pradesh. Thereafter, the District Collector executed a deed of conveyance vide document No.1502/2009 in favour of the petitioner. Later the petitioner filed an application, dated 08.04.2010, before the Tahsildar, Marredpally requesting him to intimate the Chief Executive Officer, Cantonment Board, about regularization of the house plot and no objection for granting building permission. Having regard to the facts and circumstances stated, the Tahsildar, Marredpally, addressed a letter to the respondent therein stating that he has no objection, if building permission is granted in respect of Plot No.37. Though some of the plot holders approached the respondent herein for grant of building permission and also expressed their willingness to pay the betterment charges and others charges in

respect of their plots, the respondent is insisting payment of betterment charges of all plots. Then the petitioner made an application on 01.12.2010 before the respondent for assessment of house tax and the same is pending. Hence, the present Writ Petition came to be filed.

3. Heard learned counsel for the petitioner and learned Standing Counsel for the respondent Cantonment Board.

4. Though various grounds are raised in the writ petition, the learned counsel for the petitioner restricts his prayer seeking a direction to the respondent to pass appropriate orders on the application No.485, dated 01.02.2011 made by the petitioner for assessment of house tax.

5. Learned Standing Counsel appearing for the respondent did not raise any objection for the same.

6. Having regard to the facts and circumstances of the case and without going into the merits of the case, the Writ Petition is disposed of directing the respondent to pass appropriate orders on the application No.485, dated 01.02.2011, which was received by the respondent on 01.02.2011, in accordance with law, at the earliest. Till such time, the interim stay granted by this Court on 30.04.2011 in W.P.M.P.No.15998 of 2011 shall continue. It is needless to say, if any, order is passed on the application, dated 01.02.2011, the same shall be communicated to the petitioner. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this petition shall stand closed.

JUSTICE C. PRAVEEN KUMAR

NOVEMBER 06, 2015

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