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.6754 OF 2015

DATED:17.03.2015

Between:

M/s. Sri Sai Vishwas Industries represented
by its Partner, P.Upendera Gupta.

…Petitioner.

And

The Greater Hyderabad Municipal Corporation,
represented by its Commissioner and others.

… Respondents.

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

WRIT PETITION No.6754 OF 2015

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

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

The writ petitioner has questioned the action of the respondent – Greater Hyderabad Municipal Corporation (GHMC) for recovery of the alleged tax dues in relation to a property which has been purchased by the petitioner in an auction sale held by the third respondent. It is asserted by the learned Standing Counsel for the GHMC that there are tax dues in relation to the property in question payable by the owner of the building. Learned counsel for the writ petitioners says that the alleged dues relate to a period when his client was not the owner. Under these circumstances, we think that the dispute has to be sorted out by the GHMC in accordance with law.

We therefore direct the second respondent to consider the petitioner's representation annexed to the writ petition in accordance with law. In the process, personal hearing shall be given to the petitioner and a speaking order shall be passed, within six weeks from the date of communication of this order.

It appears a novel method of recovery proceedings is initiated by the GHMC by affixing a poster declaring that it is the owner of the building because of default of payment of property tax. We are of the view that such mischievous method is not permissible under law.

Henceforth, no such attempt shall be made by the GHMC as means of recovery of property tax from any occupant (including owner) of buildings. Ownership of the building can be declared by the Court if there be dispute, but not by self-style declaration. Since the poster affixed has been removed, we are not passing any order in this regard.

With the above directions and observations, the writ petition is disposed of.

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

K.J. SENGUPTA, CJ

SANJAY KUMAR, J

17.03.2015

GJ / BNR