THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION Nos.21235 & 21330 of 2015

Dated : 10.07.2015

W.P.No.21235 of 2015 :

Between:

Dr.Smt Jagruthi W/o.Sri N. Anand Naidu,
Aged about 59 yrs, Occu : Medical Practitioner,
R/o.8-3-833/236/1, Yellareddyguda,
Kamalapuri Colony, Hyderabad,
Telangana.

.. Petitioner

And

The State of Telangana,
rep., by its Principal Secretary,
Municipal Administration & Urban Development,
Secretariat, Hyderabad & 2 others

.. Respondents

W.P.No.21330 of 2015 :

Between:

Sri N. Anand Naidu, S/o.Sri Muniswamy,
Aged about 61 yrs, Occu : Business,
R/o.8-3-833/236/2, Yellareddyguda,
Kamalapuri Colony, Hyderabad,
Telangana.

.. Petitioner

And

The State of Telangana,
rep., by its Principal Secretary,
Municipal Administration & Urban Development,
Secretariat, Hyderabad & 2 others

.. Respondents

This Court made the following :

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION Nos.21235 & 21330 of 2015

COMMON ORDER :

On 03.06.2015 orders were passed cancelling the earlier property tax assessment. The said notices were challenged in these two writ petitions.

2. Learned counsel for the petitioners contend that the order which is shown in the form of a notice, is nothing but a final order canceling the assessment already made and no such order can be passed without giving prior opportunity. He further contends that earlier there was a civil dispute which ended in favour of the petitioners and therefore, the Municipality has no authority or jurisdiction to deal with the matter once again.

3. Learned Standing Counsel representing the respondent-Corporation, submits that the subject plots are actually meant to be open spaces and no constructions can be made in the open places. Having noticed that it is an open space, the earlier orders were reviewed and property tax assessment was cancelled. Learned Standing counsel therefore, justifies the impugned order. However, it is not in dispute that the order does not speak about issuing of any notices to the petitioners, before canceling the property tax assessment.

4. Since the property tax assessment already made is now sought to be cancelled, such cancellation having civil and evil consequences, cannot be made without putting the aggrieved persons on notice and without affording opportunity of hearing.

5. Having regard to the submissions made, the respondent-Municipal Corporation is directed to treat the proceedings dated 03.06.2015 as notice and the petitioners shall file their explanation within two (2) weeks from the date of receipt of a copy of this order. On consideration of explanations, the Corporation is at liberty to pass appropriate orders within a period of two (2) weeks thereafter, as warranted by law. Until the orders are passed, no coercive steps shall be taken by the respondent-authorities, against the petitioners.

6. With the above directions, the writ petitions are disposed of. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in these writ petitions shall stand closed.

P.NAVEEN RAO,J

10th July, 2015.

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