

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
HON'BLE SRI JUSTICE S.V. BHATT

WRIT PETITION No. 21851 OF 2015

16-07-2015

Between:

Infant Jesus English Medium School, rep., by its President,
Sis. Mary, D/o. Mr. Peter, aged 75 years, R/o. 10/2/208-1, Bum Bum
Swamy Temple Road, Rayadurgam

... Petitioner

And

The State of Andhra Pradesh, rep., by Principal Secretary, Municipal
Administration, Secretariat, Hyderabad and another

... Respondents

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HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE

AND

HON'BLE SRI JUSTICE S.V. BHATT

WRIT PETITION No. 21851 OF 2015

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PC: (per the Hon'ble the Acting Chief Justice Dilip B. Bhosale)

Heard learned counsel for the parties.

The petitioner, in the instant writ petition, challenges pre-warrant notice dated 02-03-2015 issued by respondent No.2.

Sri Chetluru Sreenivas, learned counsel for the petitioner, at the outset, invited our attention to the order passed by this Court dated 01-04-2015 in Writ Petition No. 9059 of 2015 and submitted that this petition may be disposed of in terms of the said order.

The order dated 01-04-2015 reads thus:

“We are of the view that we should not keep this matter pending and accordingly dispose of the same.

We are of the view that obviously, the Court will not decide the issue raised herein. It appears factually that without serving any notice proposing to impose the property tax or giving a hearing, the demand has been issued. We therefore, keep the notice of demand in abeyance till such time as we direct. We also direct the Commissioner to give notice to the petitioner inviting it to participate in the hearing. The petitioner would be free to raise all the contentions, as has been raised before us. It is such a case which can be considered and decided by the Commissioner alone and not by any one else. The Commissioner himself will decide the matter by passing a speaking order. The entire exercise shall be completed within a period of six weeks from the date of receipt of a copy of this order.

The writ petition is accordingly disposed of.”

Sri Md. Saleem, learned counsel for respondent No.2 has no objection for disposing of the instant writ petition in terms of the aforesaid order.

Accordingly, we dispose of this writ petition also in terms of the order dated 01-04-2015 passed in Writ Petition No. 9059 of 2015. All contentions of the parties are kept open. It is needless to mention that respondent No.2 shall complete the entire exercise within a period of 12 weeks from today. The petitioner is directed to communicate this order to the concerned authority within a period of one week from today.

Miscellaneous petitions, if any, also stand disposed of.

DILIP B. BHOSALE, ACJ

S.V. BHATT, J

16-07-2015
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