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

WRIT PETITION No. 24637 of 2015

Dt:14.08.2015

Between:

Sri G.Purushotham

… Petitioner

And

The State of Telangana and another.

… Respondents

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

WRIT PETITION No. 24637 of 2015

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, seeks the following relief:

> "For the reasons stated in the accompanying affidavit, it is prayed that this Hon'ble Court may be pleased to issue writ, order, or direction more particularly in the nature of writ of mandamus, declaring the Demand Bill with Assessment No.0202070550 dated 19.06.2015 in respect of House No.2-7-505, Excise Colony, Subedari, Hanamkonda, Warangal imposing a penalty of Rs.1,09,139/- fixing the half yearly tax as Rs.34,810/- instead of Rs.23,032/- as arbitrary, illegal, contrary to the earlier direction of the Hon'ble High Court in W.P.30183 of 2013 dated 21.11.2013 arbitrary, illegal, violative of the fundamental rights guaranteed under Article 14 and 19 (1) (g) of the Constitution of India and direct the respondents to re-fix the tax only at the rate of Rs.23,032/- issuing a fresh demand notice, in the interest of justice or pass such order or orders as the Hon'ble Court may deemed fit and proper in the circumstance of the case."

Mr. Deepak Bhattacharjee, learned counsel for the petitioner, at the outset, invited our attention to Section 198 of the Greater Hyderabad Municipal Corporation Act, 1955 (for short 'the Act') and submitted that the procedure contemplated under this provision was not followed before enhancement of the tax as demanded by respondent No.2 by issuing the demand notices/bills.

Ms.P.Lakshmi, learned Standing Counsel for respondent No.2, in all fairness, submits that since the procedure contemplated under Section 198 of the Act was not followed, respondent No.2 has decided to withdraw all the demand notices/bills and she seeks liberty to the respondents to follow the due procedure and demand property tax.

In view of the submission made by learned counsel for the parties, we are satisfied that the following order shall meet the ends of justice:

"The demand notices/bills, impugned in the present writ petition, are set aside in view of the decision to withdraw the notices with liberty to the respondents to follow the due procedure contemplated by Section 198 of the Act for seeking enhancement of the property tax and issue fresh demand notices/bills."

With these observations, the writ petition is disposed of.

Consequently, miscellaneous petitions, if any, also stand disposed of.

DILIP B. BHOSALE, ACJ

S.V. BHATT, J

Dt:14.08.2015
kdl