

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

Writ Petition No.2079 of 2015

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DATED:04.02.2015

Between:
M.A. Qayum,
Hyderabad.

... Petitioner

And

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

....Respondents

THE HON'BLE THE CHIEF JUSTICE SRI KALYAN JYOTI
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Writ Petition No.2079 of 2015

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

Without inviting any counter, by the consent of the learned lawyers, the matter is disposed of finally today.

Without looking into the details of the facts mentioned, the relevant portion thereof is set out hereunder.

The petitioner is admittedly an occupier of a portion of the building and there has been property tax dues. Accordingly, notice has been issued by the respondent-Corporation to the owner of the building for payment of the property tax allegedly due and payable. No notice has been issued to the writ petitioner nor any action has been taken against him. According to us, the notice issued to the owner cannot be challenged by the occupier right now. However, we notice from the prayer made in the writ petition itself that the portion occupied by the petitioner has been sealed. According to us, sealing of the premises occupied by the petitioner, if it is true, is wholly illegal as it is done without giving any chance of hearing or without affording any opportunity to discharge his lawful obligation, as required under the law, such an action should not have been initiated.

We, therefore, direct the respondent-Corporation that if the

portion occupied by the petitioner is sealed or locked, it must be de-sealed and unlocked. However, this order shall not prevent the respondent-Corporation from taking any steps in accordance with law for recovery of the alleged tax dues from any person, who is responsible for the payment under the law. This order also will not prevent the petitioner to take recourse to other legal remedies, as may be advised.

The writ petition is accordingly disposed of.

Consequently, the miscellaneous applications, if any pending, shall also stand closed. No order as to costs.

K.J. SENGUPTA, CJ

SANJAY KUMAR,
J

4th February, 2015

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