

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.12489 OF 2015

DATED: 28.04.2015

Between:

M/s.Futnani Steels P. Ltd

... Petitioner

and

The State of Telangana and another

... Respondents

THE HON'BLE THE CHIEF JUSTICE SRI KALYAN JYOTI SENGUPTA

AND

THE HON'BLE SRI JUSTICE SANJAY KUMAR

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WRIT PETITION No.12489 of 2015

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ORDER: (per the Hon'ble Sri Justice Sanjay Kumar)

This Writ Petition is filed assailing the Special Demand Notice dated 17.03.2015 issued by the Gram Panchayat, Upparpally, Shamirpet Mandal, Ranga Reddy District requiring the petitioner company to pay a sum of Rs.9,47,869/- towards property tax along with arrears.

It is the claim of the petitioner company that it had paid property tax assessed at Rs.18,931/- for the year 2013-14 and that the enhancement was made without following the due procedure and upon giving an opportunity of hearing to the petitioner company.

Though the papers were served on the learned Standing Counsel appearing for the second respondent Gram Panchayat, there is no representation on his behalf.

As there is no indication from the impugned Special Demand Notice that the petitioner company was put on notice prior to the enhancement of the tax and calculation of arrears on the basis thereof, we are of the opinion that the Writ Petition can be disposed of directing the second respondent Gram Panchayat to consider the objections raised by the petitioner company in response to the Special Demand Notice by giving it an opportunity of personal hearing and thereafter take a reasoned decision in the matter. Pending this exercise, the petitioner company shall pay the property tax demand for the current year (2014-15) of Rs.2,35,723/-. Upon such deposit being made, the second respondent Gram Panchayat shall cause issuance of a notice to the petitioner company to submit its written objections, if any, and also requiring it to participate in a personal hearing on a stipulated date. In the event the petitioner company does not respond or come forward, this order shall stand recalled and it shall be open to the second respondent Gram Panchayat to proceed in accordance with law. Upon following this procedure, the second respondent Gram Panchayat shall pass reasoned orders and communicate the same to the petitioner company. The Special Demand Notice shall not be given effect to pending this exercise. The subject payment shall be made without prejudice to the issues raised by the petitioner.

Miscellaneous Petitions, pending if any shall stand closed in view of
afore-stated final order. No order as to costs.

K.J. SENGUPTA, CJ

28th APRIL, 2015.

SANJAY KUMAR, J

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