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.13218 OF 2014

DATED:3.3.2015

Between:

Smt. Bhagyamma
… Petitioners

And

Greater Hyderabad Municipal Corporation
Represented by its Commissioner
Tank Bund Road
Secunderabad
and another … Respondents

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

WRIT PETITION NO.13218 OF 2014

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

This writ petition has been filed impugning the action of the respondent Corporation in refusing to mutate the name of the petitioner for ground floor of the property in question and in not assessing the property tax to the property separately.

It appears from the record the following facts. The petitioner lady has become exclusive owner of the entire land and building in question. The building has a quite a number of stories. At present the petitioner is occupying and owing the ground floor and rest of the floors have been sold out to third parties. In the records of the respondent Corporation, the name of the petitioner's father-in-law, who died intestate leaving the petitioner's husband sole heir and legal representative, is still borne. A considerable amount of property tax is due and payable. The petitioner's husband also died intestate. It appears that the lady failed to notify to the Corporation within the time as prescribed under law about transfer of the property made to third parties. There is no dispute about the legal position that if there is any dues of the property tax, the same has to be paid by the owner of the property for effecting mutation and the transferees of the property too are liable to pay the dues from the date of purchase of the property. As such, the Corporation has rightly refused to mutate the name of the lady for ground floor of the property. Under these circumstances, we think, considering the interest of the Municipal Corporation with regard to the collection of legitimate revenue, following course of action may be taken.

The respondent Corporation authorities shall give a notice of hearing to the writ petitioner who will be free to produce all documents in support of her claim and contention with regard to alleged dues. The writ petitioner shall also inform the names of the tranferees in whose favour the other floors of the building have been sold and/or transferred. They shall also be notified by the Municipal Corporation authorities in the hearing. After considering all documents, namely, deed of conveyance and other documents, the municipal authority will try to persuade them to pay property tax from the date of respective transfers of the respective floors. This direction should not be treated to be upon adjudication and decision on the issue. It is for negotiation and settlement. In the event the purchasers and/or transferees of the property or any of them agrees to pay from the date of purchase of the property, then their names shall be mutated on payment of property tax from the date of purchase upto date. If they refuse to do, then it would be open to the Municipal Corporation to proceed in the matter obviously under law. The entire exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order. Till then, no coercive measures will be taken. All points are kept open save and except what we have observed.

The writ petition is accordingly disposed of.

Pending miscellaneous petitions, if any, shall stand closed. There will be no order as to costs.

K.J. SENGUPTA, CJ

SANJAY KUMAR, J

3.3.2015

bnr