

HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

THE HON'BLE THE CHIEF JUSTICE SRI KALYAN JYOTI SENGUPTA

AND

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No. 9159 OF 2015

DATE: 02.04.2015

-

Between:

Vishwadeep Vidyapeeth E.M.,

Rep., by its Deputy General Manager of Schools,

Nalgonda.

... Petitioner

And

The State of Telangana, rep., by its Principal Secretary,

Municipal Admn., & Urban Development Department,

Hyderabad & another.

... Respondents

This Court made the following:

THE HON'BLE THE CHIEF JUSTICE SRI KALYAN JYOTI SENGUPTA

AND

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No. 9159 of 2015

–

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

This writ petition, in our view, cannot be entertained at the moment for the reasons stated hereunder. The petitioner challenged the demand notice dated 14.10.2014 issued by the 2nd respondent demanding an amount of

Rs.20,31,884/-.

From a perusal of the record it appears that the petitioner did not raise any objection to the demand notice asserting that it is entitled to exemption from payment of tax under the law and in the writ petition for the first time this plea has been taken. In response to the demand, in letter dated 05.12.2014 the petitioner has stated as follows:

“This is to remind you that the above mentioned Ref: 4 and 5 which we received on 3rd and 5th December respectively, we once again bring to your kind notice that our institute has been registered under Nalgonda Diocese Society, minority institute as mentioned and attested Ref: 1,23.

We seek your kind valuable suggestions to approach the issue and attend in the way possible for a convenient running of the institute.

Thanking you for your support.”

Thus it appears there is no word of ‘objection’ or any ‘protest’. Unless there is protest or objection, we cannot think there is any cause of action in this matter.

We therefore dismiss the writ petition on that ground alone. It would be open for the petitioner to take steps in accordance with law, as may be advised. Pending miscellaneous petitions, if any, shall also stand dismissed. No costs.

K.J. SENGUPTA, CJ

SANJAY KUMAR, J

Date: 02.04.2015

ES