HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.36074 of 2015

Date:05.11.2015

Between:

Y.Chippa Sangappa,

S/o Ramappa and another.

..... Petitioners

And:

The State of Telangana, reptd., by its

Principal Secretary, Municipal Administration

Department, Hyderabad and two others.

.....Respondents

Counsel for the Petitioner: Mr. M.Damodar Reddy

Counsel for Respondent No.1: Mr. B.Mahender Reddy,

Special Govt. Pleader

The Court made the following:

ORDER:

This Writ Petition is filed for a *Mandamus* to set aside proceedings, vide Lr.No.A1/1211/NGKL/2015, dated 09.9.2015, of respondent No.2, whereby he has rejected the petitioners' application for assessment of the property, in Survey No.332, near RTC Bus-stand, Nagarkurnool Village and Mandal, Mahabubnagar District, to tax in view of pendency of Writ Petition No.17278 of 2015.

I have heard Mr. M.Damodar Reddy, learned counsel for the petitioners and perused the record.

The petitioners were granted a building permission for construction over a plot in Survey No.332 of Nagarkurnool. Later, at the instance of respondent No.3, who claimed title in Telangana State Road Transport Corporation, respondent No.2 has issued a notice proposing cancellation of building permission, while directing the petitioners to stop further construction. The petitioners have, therefore, filed Writ Petition No.17278 of 2015. This Court entertained the said Writ Petition and granted an interim order permitting the petitioners to raise construction. After completing construction, the petitioners approached respondent No.2 for assessment of the property to tax. Respondent No.2 has passed the impugned order as referred to above.

The fact that Writ Petition No.17278 of 2015 filed by the petitioners questioning the issue of notice by respondent No.2 for cancellation of building permission is not in dispute. When the very construction of the building is subject matter of Writ Petition No.17278 of 2015, respondent No.2 is justified in rejecting the petitioners' application for assessment of the property to tax on the ground of pendency of the said Writ Petition. Mere non-assessment of the petitioners' property to tax pending adjudication of the dispute in Writ Petition No.17278 of 2015 would not cause any hardship to them and if at all, it is the Nagarkurnool Gram Panchayat which will be deprived of its revenue by way of property tax for the time being. Therefore, I do not find any reason to entertain this Writ Petition. The petitioners are permitted to pursue Writ Petition No.17278 of 2015 and depending upon the result of the said Writ Petition, they can approach respondent No.2 for assessment of the property to tax.

Subject to the above observation, the Writ Petition is disposed of.

As a sequel to disposal of the Writ Petition, W.P.M.P.No.46405 of 2015 shall stand disposed of as infructuous.

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JUSTICE C.V.NAGARJUNA REDDY

05th November, 2015

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