

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.3895 OF 2015

DATED: 20.2.2015

Between:

D.A.V.Public School, represented by its Principal.

... Petitioner

And

The Greater Hyderabad Municipal Corporation, Hyderabad,
represented by its Commissioner, MCH Office, Hyderabad 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.3895 OF 2015

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

We feel the matter can be disposed of finally, without any counter-affidavit, as the learned Standing Counsel for the Greater Hyderabad Municipal Corporation suggests, upon instructions, that no counter need to be filed at this stage.

We find from the writ petition that without considering the petitioner's objection and contention that it is an Educational Institution and it should be exempted from paying any property taxes, impugned demand has been made. Secondly, it is submitted that even if such exemption is not granted, then the property tax demanded is highly disproportionate and there is no basis for such current demand and the arrears. In fact, there has been no consideration of the representation, and no hearing was given. We find substance in the contention of the petitioner.

Therefore, we direct the Municipal Corporation Authority to give a notice to the petitioner and decide the issue of exemption raised. The petitioner will be free to produce the materials and evidences before the officer, who will objectively decide the matter, whether

exemption can be granted to the petitioner or not. If any decision is taken adversely against the petitioner, reasons must be given, and in that case, the valuation and the amount of property tax questioned by the petitioner shall also be examined, after giving hearing to the petitioner. The entire exercise shall be completed by the respondent authority within a period of eight weeks from the date of communication of this order. Till such decision is taken, no coercive measures shall be taken against the petitioner. The demand as made is accordingly set aside.

The Writ Petition is accordingly allowed.

Consequently, the miscellaneous applications, if any pending, shall also stand closed. There will be no order as to costs.

K.J. SENGUPTA, CJ

SANJAY KUMAR, J

20.2.2015

gj/va