

THE HON'BLE SRI JUSTICE SANJAY KUMAR

-
WRIT PETITION No.10119 OF 2016

ORDER:

Heard Sri P. Giri Krishna, learned counsel for the petitioner institution, and Sri Pasham Krishna Reddy, learned Standing Counsel for the Greater Hyderabad Municipal Corporation.

The prayer of the petitioner institution in this case is as under:

“For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon’ble Court may be pleased to issue a Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring distress warrant issued on 17.03.2015 by the G.H.M.C. to the Petitioner Society demanding Rs.45,80,394/- as illegal, arbitrary, and against principles of Natural Justice, and also declaring the action of G.H.M.C., in sealing the Green Fort Engineering college premises of Petitioner Society in premises No.18-13-8/A/624, Bandlaguda, Hyderabad, as illegal, arbitrary and against principles of Natural Justice, and also declaring the action of G.H.M.C. officials collecting cheques for Rs.16,00,000/- by compelling the Chairman of the Petitioner society as illegal, arbitrary and against principles of natural justice and consequently direct the G.H.M.C. authorities to return post dated cheques for Rs.16,00,000/- and to pass such other order or orders as this Hon’ble Court may deems fit just and proper in the circumstances of the case.”

Sri P. Giri Krishna, learned counsel for the petitioner institution, states that the seals on the college were removed after two post-dated cheques were obtained from the petitioner institution, each for Rs.16,00,0000/-. Learned counsel further states that as exams are to commence, interference by the municipal authorities with the petitioner institution would cause adversity to the students of the institution.

As the petitioner institution has not filed any complaint against the valuation of the property for the purpose of levy of property tax, the writ petition is disposed of permitting the petitioner institution to file a complaint under Section 221 of the Greater Hyderabad Municipal

Corporation Act, 1955, before the Commissioner of the Greater Hyderabad Municipal Corporation, within two weeks from the date of receipt of a copy of this order, setting out its grievance as to the valuation of the property for the purpose of levying property tax. The said complaint shall be considered in accordance with law and appropriate orders shall be passed thereon expeditiously and in any event, not later than two weeks from the date of receipt thereof. Pending this exercise, the Greater Hyderabad Municipal Corporation shall not initiate any further coercive measures against the petitioner institution but the petitioner institution shall continue to pay the admitted amount of tax.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

**JUSTICE SANJAY
KUMAR**

4th April, 2016
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