

THE HON'BLE SRI JUSTICE SANJAY KUMAR

-
WRIT PETITION No.10895 OF 2016

ORDER:

The prayer of the petitioner 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 pass an order or orders or direction more particularly one in the nature of a writ of mandamus declaring the action of the 2nd respondent in issuing a Distress Warrant under Section 269 of A.P. Municipal Corporation Act, 1994 formerly G.H.MC. Act, 1955 dated 24.03.2016 purported to be on account of the non-payment of a sum of Rs.9,07,970/- due towards arrears of the Property Tax by the petitioner and further directing the 3rd respondent to distrain the goods and chattels from the petitioner’s premises as wholly arbitrary, illegal contrary to the provisions of the A.P. Municipal Corporation Act, 1994 formerly G.H.M.C Act, 1955 besides violative of petitioners rights guaranteed under Article 14 and 19(1)(g) and 265 of the Constitution of India and consequently set aside the same and further direct the 2nd respondent to dispose the revision petition vide RP.No.18/2015 filed by the petitioner in accordance with law and to pass such other order or orders as this Hon’ble Court may deem fit just and proper in the circumstances of the case.”

Sri Nimmagadda Venkateswarlu, learned Standing Counsel for the Srikakulam Municipal Corporation, stated that the petitioner is due and liable to pay a sum of over Rs.5,00,000/- towards the property taxes having paid some of the dues and that his revision petition is also pending consideration before the Commissioner of the Municipal Corporation.

In that view of the matter, the writ petition is disposed of directing the Commissioner, Srikakulam Municipal Corporation, to consider and dispose of the petitioner’s revision filed under Section 221 of the Greater Hyderabad Municipal Corporation Act, 1955, in accordance with law. Subject to the petitioner depositing a sum of Rs.2,50,000/-

(Rupees Two Lakh Fifty Thousand only) within four weeks from today, no coercive measures shall be initiated for payment of the balance amount until disposal of the revision. The petitioner shall however continue to pay the admitted property tax amounts in the meanwhile.

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

**JUSTICE SANJAY
KUMAR**

1st April, 2016

Note:-

Issue CC in three days.

B/o

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