

THE HON'BLE SRI JUSTICE SANJAY KUMAR

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WRIT PETITION No.11933 of 2016

ORDER:

Heard Sri Ravulapati Sreenivasa Rao, learned counsel for the petitioner, and Sri N. Praveen Kumar, learned Standing Counsel for the Kodad Municipality.

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

"It is prayed that the Hon'ble Court may be pleased to issue an appropriate Writ, Order or Direction more particularly one in the nature of writ of mandamus declaring the action of respondent No.2 without considering the representation dated 18.02.2016 and insisting for payment of property tax as per demand bill dated 03.12.2015 as illegal, arbitrary and violative of the rights guaranteed under the Constitution of India and consequently set aside the same and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the interest of justice."

By way of his representation dated 18.02.2016, the petitioner raised various objections as to the enhancement of the property tax. It appears that these objections are yet to be considered in terms of Rule 12 of the Taxation and Finance Rules in Schedule II of the Andhra Pradesh Municipalities Act, 1965. As it is for the Commissioner of Kodad Municipality to exercise revisionary powers under these rules, no cause is made out for interference by this Court at this stage.

The writ petition is accordingly disposed of directing the Commissioner of Kodad Municipality to dispose of the petitioner's representation dated 18.02.2016 in accordance with the due procedure laid down by law. This exercise shall be completed expeditiously and in any event, not later than four weeks from the date of receipt of a copy of this order. Pending disposal of the representation, the petitioner shall continue to pay the admitted property tax, but no coercive measures shall be initiated for collecting the enhanced property tax.

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

JUSTICE SANJAY KUMAR

Date:12.04.2016

GJ