THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No. 8798 of 2016

ORDER:

Heard Sri R.Raghunandan, learned senior counsel appearing for Sri Thoom Srinivas, learned counsel for the petitioners,

and Sri S.D.Goud, learned Standing Counsel for the Kadapa Municipal Corporation.

2. The prayer of the petitioners in this case is as under:

> "That this Hon'ble Court may be pleased to issue an order or orders or direction or a writ one in the nature of Writ of Mandamus, declaring the action of Respondent No.2 in issuing notice u/s 269 of H.M.C.Act vide R.O.C.No.443/A7/93 -03-2016 and Demand Notice in Roc.No.315/R1-V/2016 dated: 01.03.2016 issued by the 2nd respondent Corporation and any consequential notice there on as illegal, arbitrary and in gross violation of principles of national justice and also violation of Articles 14 & 19 of Constitution of India and consequently set aside the same and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case."

3. Under the impugned notice dated 01.03.2016, the Kadapa Municipal Corporation called upon the petitioner to pay the tax along with the arrears and penalty aggregating to Rs.1,50,80,094/- within a time frame. A distress warrant reminder was issued thereafter but the same does not bear any date. Sri R.Raghunandan, learned senior counsel, would state that the second petitioner-Society filed several objections and representations before the Kadapa Municipal Corporation in relation to the assessment and quantification of the tax.

4. Learned Standing Counsel would point out that even after receipt of the afore-stated proceedings in March, 2016, the second petitioner-Society addressed letter dated 07.03.2016 to the Commissioner of Kadapa Municipal Corporation requesting that their earlier representations be taken into consideration.

5. In that view of the matter, as Sections 220 to 223 of the Greater Hyderabad Municipal Corporation Act, 1955, which is applicable to the Kadapa Municipal Corporation, requires the Commissioner of the Corporation to act upon the complaints received in relation to the

assessment, the Writ Petition is disposed of directing the Commissioner of Kadapa Municipal Corporation to consider the representations and complaints made by the second petitioner-Society or the first petitioner-College, as the case may be, under the

afore-stated statutory provisions and take a decision in the matter.

A reasoned order shall be passed and communicated to the petitioners. Pending such exercise, the impugned notice dated 01.03.2016 and the consequential distress warrant reminder shall not be acted upon.

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

JUSTICE SANJAY KUMAR

March 17, 2016
Pgs/Lmv