

THE HONOURABLE SRI JUSTICE CHALLA KODANDA RAM
WRIT PETITION No.14479 OF 2016

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ORDER:

This writ petition is filed to call for records pertaining to order dated 15.03.2016 vide proceedings No.74/GPO/2015 issued by the 4th respondent confirming the computation and imposition of the property tax as communicated by the 2nd and 3rd respondents vide impugned communications vide Rc.No.74/GPO/2015 dt.16.11.2015 and 25.01.2016 and quash the same being arbitrary, illegal and contrary to the statutory rules prescribed in GO.Ms.No.30 dt.20.01.1995 with a consequential direction to the respondents to re-assess the subject property to house tax after giving notice to the petitioners.

Learned counsel for the petitioners submits that the petitioners have effective remedy of appeal, with respect to the tax demanded and they may be permitted to avail the remedy of appeal. However, their apprehension is that on account of the orders passed on 25.01.2016, the appeal may not be entertained.

Considering the fact that on account of wrong advise given to the petitioners, they did not prefer the appeal invoking the correct provision and also without complying the mandatory requirement of depositing the part of the disputed tax.

Learned Standing counsel for the respondent-Gram Panchayat, submits that they have no objection for filing the appeal by the petitioners.

In the facts of the present case, liberty is given to the petitioners to file an appeal before the 3rd respondent-Gram panchayat, strictly by complying with the procedure contemplated. As and when the appeal is filed, the same shall be considered on its own merits without any regard to earlier orders passed, rejecting the appeal.

With the above observations, the writ petition is disposed of.
No order as to costs.

In view of disposal of the main writ petition, miscellaneous petitions pending in the writ petition, if any, shall stand closed.

Challa Kodanda Ram, J

26th April, 2016.

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Dated : 26.04.2016

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