

**HON'BLE THE ACTING CHIEF JUSTICE DILIP B.BHOSALE
AND
HON'BLE SRI JUSTICE P.NAVEEN RAO**

WRIT PETITION No.9133 of 2016

Date: 22.03.2016

Between:

Kota Gopala Krishna, S/o Purushotham Rao,
Aged 75 years, R/o D.No.5-35, Seetharampuram,
Jaggaihpeta Town, Krishna District.

..... Petitioner

and

The Jaggaihpeta Municipality, Jaggaihpeta,
Krishna District, rep.by its Commissioner.

.....Respondent

The Court made the following:

**HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
HON'BLE SRI JUSTICE P. NAVEEN RAO**

WRIT PETITION No.9133 of 2016

PC: (Per the Hon'ble Sri Justice P.Naveen Rao)

This writ petition is filed challenging the notice dated 27.02.2016
of the respondent municipality demanding payment of property tax for

the period from 1990-2000 to 2015-2016 quantified at Rs.1,39,212/-. Petitioner was informed that unless the amount as quantified is paid within three days, the property would be seized and auction would be conducted to recoup the arrears of amounts due.

2. Learned counsel for petitioner submits that the period covered by the impugned notice is from 1999-2000, whereas the respondent municipality cannot recover the arrears of amounts due for a period beyond three years.

3. Learned standing counsel submits that the said contention may not be true. The reading of the order would show that already demand notices were issued and on failure to pay the amount due, the impugned notice was issued. He further submits that petitioner has not even made a representation objecting to collection of property tax retrospectively from 1999-2000 and straightaway invoked jurisdiction of this Court.

4. Confronted by this objection, learned counsel for petitioner fairly submits that petitioner is willing to make a representation and the same should be considered objectively by the respondent municipality. He further submits that already he has paid Rs.40,000/- and he is willing to pay another Rs.10,000/-. He would pay the balance amount quantified, if any, after his representation is considered and appropriate decision is made. He submits that until the representation is disposed of, respondent municipality should not take any coercive steps against the petitioner.

5. Having regard to the said submission, this writ petition is disposed of with the following order:

i) Petitioner shall deposit an amount of Rs.10,000/- in addition to Rs.40,000/- already paid within two weeks;

ii) Petitioner may make a representation to the Commissioner, respondent municipality, if so advised, raising objection on the amount of tax demanded from the petitioner and all other contentions as urged in the writ petition within a period of two weeks from today;

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