

THE HON'BLE SRI JUSTICE SANJAY KUMAR

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WRIT PETITION No.10961 of 2016

ORDER:

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

“To issue a writ or order/s more particularly one in the nature of Writ of Mandamus declaring the action of the respondent authorities in seizing the petitioner's property bearing municipal no. 9-4-125 situated at Toli-chowki south, Hyderabad, under Notice of Demand bearing no. 8108/TC7B/GHMC/2014-15 dated 10-2-2015 (wrongly mentioning the year as 2015 instead of 2016), as being illegal, arbitrary and unconstitutional, and consequently direct the respondents to release the property to the petitioner; and be pleased to pass such other order/s as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

Insofar as the demand for property tax is concerned, Sri N. Ashok Kumar, learned Standing Counsel for the Greater Hyderabad Municipal Corporation, furnished a statement giving the breakup of the demand for property tax.

In the light of the efficacious alternative remedy provided to the petitioner in the form of an appeal under Section 282 of the Greater Hyderabad Municipal Corporation Act, 1955 (for brevity, 'the Act of 1955'), it would be open to him to seek redressal of his grievance, if any, with regard to the quantification of property taxes. Insofar as the sealing of the property is concerned, Sri N. Ashok Kumar, learned Standing Counsel, fairly conceded that no notice had been issued to the petitioner under Section 622 of the Act of 1955 in relation to the conduct of the trade without a proper licence.

In that view of the matter, there shall be a direction to the municipal authorities to forthwith remove the seals on the petitioner's premises and return the possession thereof to the petitioner. This order shall however not preclude the municipal authorities from taking action afresh, if warranted, in accordance with the due procedure laid down by law.

The writ petition is accordingly disposed of.

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

JUSTICE SANJAY KUMAR

Date:06.04.2016

GJ