HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.34543 OF 2016

ORDER:

This writ petition is filed questioning the demand notices dated 10.02.2016 and 03.10.2016, issued by the respondents for the year 2015-16 and 2016-17 asking the petitioner to pay the property tax to the tune of Rs.3,17,377/- and Rs.4,16,507/- respectively for the house property bearing Nos.8-2-74/1, Plot No.10 in Sy.No.140 and 142/1, Karmanaghat Village, Saroornagar Mandal, R.R District.

Learned counsel for the petitioner submits that the petitioner had paid a sum of Rs.3,397/- for the period from 1.4.2007 to 31.03.2008, a sum of Rs.16,170/- for the period from 01.04.2008 to 31.03.2013, and a sum of Rs.6,468/- for the period from 01.04.2013 to 31.03.2015. But strangely now the impugned notices for a sum of Rs.3,17,377/- and Rs.4,16,507/- have been issued. In the light of the proof produced by the petitioner evidencing the payment of the property taxes and there are no arrears to be paid, the impugned notices are liable to be set aside.

On the other hand, the learned standing counsel for the respondents-corporation, on instructions, submits that the petitioner had suppressed the facts and not disclosed the constructions made in violation of the sanctioned plan or unauthorised constructions and also the petitioner in violation had constructed as many as 24 mulgies and the property has been assessed at the penal rates. A demand notice was also issued on 03.10.2016 giving opportunity to the petitioner to furnish any objections, but the petitioner did not chose to file any objections and as such the final notice of demand was issued on 10.02.2016.

Having considered the respective submissions and as the petitioner submits that no opportunity was given to him and the learned standing counsel does not object for giving any opportunity to the petitioner to submit his representation, the writ petition is disposed of directing the respondents to issue a fresh notice clearly setting out the violations as well as the extent of property and the amount that is liable to be paid by the petitioner within a period of one week from today. Thereafter within one week from the date of receipt of notice from the respondents-corporation, the petitioner shall submit his explanation and within two weeks thereafter the respondent-corporation shall pass appropriate orders in accordance with law. However, it is made clear that the amounts already paid by the petitioner towards property tax shall be given credit to the account of the petitioner.

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

Miscellaneous petitions, if any pending in this writ petition shall stand closed.

CHALLA KODANDA RAM,J

Date:01.11.2016,

Note:

Issue CC in two days.

B/o.

Gk.

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.34543 OF 2016

01.11.2016

Gk