

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 35236 of 2016

ORDER:

This Writ Petition is filed by the petitioner challenging the Demand Notice No.10801080546382, dated 19.10.2015 issued by the 2nd respondent-Tadepalligudem Municipality, demanding to pay an amount of Rs.53,784/- without considering the representation dated 26.03.2016 submitted by the petitioner.

Brief facts of the case are that the petitioner purchased the shop an extent of 75.1/2 sq.yards, in Savitrupeta area, 14th ward, Tadepalligudem Municipality, West Godavari District and has been running a shop in the said premises since 2006. She has paid municipal property taxes upto year 2011-2012. When she went to the Municipal Office for payment of municipal tax for the year 2013, the 2nd respondent, without receiving the same, informed that property tax is due from 2006 onwards. Therefore, she gave a representation dated 21.07.2015 to the 2nd respondent by showing all the previous payment details and expressed her willingness to pay the balance amount from 2013 to till date. Thereafter, the 2nd respondent issued a Demand Notice No.11318, dated 11.02.2015 to the petitioner to pay an amount of Rs.44,295/- i.e., upto March, 2015, whereas, as per the approximate calculation of the petitioner the balance and interest amount would be around Rs.8,000/- to Rs.9,000/- only. It is further submitted that earlier the petitioner filed a Writ Petition No.31058 of 2015 and the same was disposed of with a direction to the 2nd respondent that as and when the petitioner filed a representation, the 2nd respondent shall consider the same and pass orders within a period of one week thereafter.

Subsequently, the petitioner approached the 2nd respondent and submitted representations dated 05.10.2015 and 26.03.2016, however, no fruitful purpose served, but to her surprise on 10.06.2016 the 2nd respondent got issued the impugned demand notice. Hence, the present Writ Petition.

Heard the learned counsel for the petitioner.

Learned Standing Counsel for the 2nd respondent, Sri N. Venkateswarlu, contends that as per the Rule 12 in Schedule II of the A.P. Municipalities Act, the Commissioner of the 2nd respondent is competent to revise any demand including that of the penalty.

Taking into consideration of the fact that petitioner has already raised the issue by way of petitions dated 21.07.2015 and 26.03.2016 and further taking into consideration of the fact that the amount demanded is only a penalty, there shall be a direction to the Commissioner of the 2nd respondent Municipality to treat the objections filed by the petitioner on 21.07.2015 and 26.03.2016 as one filed under the rules and pass appropriate orders after giving an opportunity to the petitioner within a period of eight weeks from the date of receipt of a copy of this order.

With the above direction, the Writ Petition is disposed of. There shall be no order as to costs.

Consequently, the Miscellaneous Petitions, if any pending, shall stand closed.

CHALLA KODANDA RAM, J.

Date: 19.10.2016
Ssv