THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.9710 of 2016

ORDER:

Heard Sri D.V. Chalapathi Rao, learned counsel for the petitioner, and Sri Ancha Pandu Ranga Rao, learned Standing Counsel for the Guntur Municipal Corporation.

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

> "For the reasons stated in the accompanying affidavit, it is therefore prayed that this Hon'ble Court may be pleased to issue a Writ, Order or Direction more particularly one in the nature of the Mandamus or any other appropriate Writ declaring the action of the respondents in enhancing the property tax under assessment no. 44896 (New) 12133/DN (old) for the property owned by the petitioner bearing door no. 6-5-29 situated at Arundelpet 5th Line, Guntur under special notice dated 08.08.2011 and the further enhancement of property tax durig the year 2012-2013 without even issuing the special notice or following the due process of law as illegal, arbitrary, in violation of statutory provision of the Hyderabad Municipal Corporation Act, 1955 and consequently quash the special notice dated 08.08.2011 issued by the respondent No.2 and may pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case."

It appears that the petitioner already submitted his objections to the quantification and enhancement of the property tax under his legal notice dated 18.08.2011 to the Commissioner of Guntur Municipal Corporation. The said objections would have to be considered by the Commissioner of the Corporation in exercise of powers under Section 221 of the Greater Hyderabad Municipal Corporation Act, 1955.

In that view of the matter, this Court sees no purpose served in entertaining this writ petition for adjudication on merits. It is for the Commissioner of the Corporation to consider the objections in accordance with the due procedure and take appropriate action thereafter. Pending this exercise, the Corporation shall not give effect to the enhancement of taxes. The petitioner shall however pay the current property taxes along with the arrears, if any.

The writ petition is disposed of with the above directions.

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

JUSTICE SANJAY KUMAR

26th April, 2016

PGS/GJ