

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.19747 OF 2016

ORDER:

Heard the learned Counsel for the petitioner, learned Government Pleader for Municipal Administration and Urban Development for respondent No.1 and the learned Standing Counsel for Miryalguda Municipality, for respondents 2 and 3. With consent of the counsel appearing for both parties, the present Writ Petition is disposed of at the admission stage.

2. The present Writ Petition came to be filed seeking issuance of writ of *mandamus* declaring the action of the respondents in interfering with the possession of the petitioner's building bearing H.No.19-811 and 812 situated at Sri Raghavendra Swamy Complex, Sagar Road, Miryalguda, Nalgonda District, without receiving arrears of tax as directed by this Court @ Rs.1,70,000/- per year pending disposal of the Revision Petition before the Commissioner, Miryalguda Municipality, as highly arbitrary and illegal and consequently, to direct the respondents not to interfere with the possession of the petitioner over the above said building, pending disposal of the revision petition before the Commissioner, Miryalguda Municipality.

3. A perusal of the material papers placed before this Court would show that the petitioner approached this Court by filing W.P.No.9949 of 2016, wherein this Court passed the following order dated 01.04.2016:

“As the petitioner has not chosen to avail this remedy, the writ petition is disposed of permitting him to

file a proper application in terms of the afore-stated rules before the authority concerned setting out his grievance as regards the increase in the assessment of the value of the property for levy of property taxes. This application shall be filed within two weeks from today and the Commissioner, Miryalguda Municipality, the 3rd respondent herein, shall consider the same in accordance with law and pass appropriate orders thereon. The petitioner shall however pay the arrears for the year 2015-16, if any, at the rate of the admitted amount of Rs.1,70,000/- which was being paid by him earlier. In the event the petitioner fails to file the revision application within the time stipulated above, this order shall stand recalled and the municipal authorities would be at liberty to proceed in the matter in accordance with law.”

4. Pursuant to the above order dated 01.04.2016 passed by this Court, the petitioner herein preferred a revision before the Commissioner, Miryalguda Municipality, Nalgonda on 06.04.2016. It is said that the said revision is still pending consideration. As per the directions of this Court, the petitioner offered to pay the admitted amount i.e., Rs.1,70,000/- towards arrears for the year 2015-16 and he also placed on record the Demand Drafts taken in the name of the Commissioner Municipality, Miryalguda.

5. Learned counsel for the petitioner submits that though the petitioner offered to pay the amounts as directed by this Court, the respondent authorities are not accepting the same and are interfering with the possession of the petitioner's property.

6. Learned Standing Counsel for Miryalguda Municipality submits that no coercive steps shall be taken till the disposal of the revision.

7. Recording the said statement, the present writ petition is disposed of directing the 3rd respondent to dispose of the revision filed by the petitioner on 06.04.2016, in accordance with law, after accepting the amount which the petitioners are willing to pay pursuant to the directions of this Court in W.P.No.9949 of 2016, as early as possible, preferably within a period of six (06) weeks. Till such time, the respondents shall not take any coercive steps against the property which is subject matter of the dispute in the present writ petition.

Consequently, Miscellaneous Petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

JUSTICE C. PRAVEEN KUMAR

Date:21.06.2016

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