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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.1168 OF 2017

M/s. Harasiddh Developers & Ors.

..Petitioners

*Versus*Municipal Corporation of Kalyan-Dombivli
& Ors.

..Respondents

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Mr. Rafique Dada, Senior Counsel, a/w Vaibhav Sugdare, Rakesh V. Misar,
Mustafa Kachwala i/b. Kachwala Misar & Co. for the Petitioners.

Mr. Sandeep Shinde for Respondent nos.1 to 3.

Mr. Sandeep Baber, AGP, for Respondent no.4.

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CORAM: M. S. SANKLECHA &**A. K. MENON, JJ.****DATE : 23rd FEBRUARY, 2017**

PC.

1. This petition under Article 226 of the Constitution of India challenges the demand notices dated 3rd November, 2016 and the special notice dated 16th March, 2015 issued by the respondent no.1-Corporation.

The impugned notices seeks to recover property taxes in respect of the petitioners property.

2. The gravamen of the petitioner's challenge is that impugned notices are without jurisdiction as it seeks to change property taxes in respect of agricultural land and further that the impugned notices has been issued without disposing of the petitioners objections.

3. Mr. Shinde, the learned counsel appearing for the respondent-Corporation, on instructions, states that the respondent no. 3 i.e. the Tax Assessor and Collector will grant a hearing to the petitioners in respect of the impugned notices and pass an order in accordance with law i.e. in accordance with rules of Natural Justice (personal hearing and speaking order). Needless to state the respondent no.3 would decide the petitioners objections on its own merits without being influenced by the fact that the impugned notices have already been issued.

4. It is clarified that the respondent-Corporation will not adopt any steps to recover the impugned demands consequent to the impugned notices till such time as the petitioners objections are disposed of by the speaking order. However, if the order is adverse to the petitioner then for a further period of two weeks from the date of communication of the order to the petitioners no coercive proceedings will be adopted to recover the property taxes.

5. In view of the above, Mr. Dada, the learned Senior Counsel, withdraws the petition.

6. Petition is disposed of as withdrawn. No order as to costs.

(A. K. MENON, J.)

(M. S. SANKLECHA, J.)