

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.20210 OF 2017

ORDER:

This writ petition is filed seeking to issue a writ of mandamus to declare proceedings Rc.A1-138635/ 2015, dated 01.06.2017, issued by the 2nd respondent as illegal and arbitrary, and consequently, set aside the same, directing the 2nd respondent to consider the application dated 20.05.2017 submitted for assessing the property tax and also the representation dated 05.04.2016 made to return the excess tax collected from the petitioners.

Heard and perused the material available on record.

It is the case of the petitioners that they are owners of an extent of 838.17 square yards of land in Sy.No.36/1, Crambay Road, Bhavanipuram, Vijayawada. They constructed an apartment with Ground + four floors in the said land, after obtaining necessary building permission from the 2nd respondent. On demand by the 2nd respondent, the petitioners have surrendered 622.22 square meters of land for road widening. They have paid the vacant land tax upto 2013 and the construction was completed in the year 2015. After completion of construction of the building, the petitioners filed representation, dated 05.04.2016, to the 2nd respondent requesting to return the amount already paid for vacant land tax, betterment charges and development charges, as per G.O.Ms.No.3, dated 02.01.2009. But, the 2nd respondent has not considered the same. The petitioners submitted representation, dated 20.05.2017, to the 2nd respondent to assess the flats of the apartment for property tax. But, without considering the said application, the 2nd respondent issued notice, dated 09.06.2017, to the

petitioners directing them to pay vacant land tax for the periods from 2014 to 2016. Hence, this writ petition.

Learned counsel for the petitioners contended that without considering the representations of the petitioners, the 2nd respondent issued the impugned notice though the petitioners have already paid the VLT amount and also not assessing the flats for property tax.

Learned Standing Counsel for 2nd respondent submitted that the 2nd respondent will consider the representations of the petitioners.

Considering the submissions of the learned counsel for both sides, without expressing any opinion on merits, this Court is of the view that the writ petition can be disposed of with a direction to the 2nd respondent to pass appropriate orders on the representations made by the petitioners.

Accordingly, the Writ Petition is disposed of directing the 2nd respondent to consider representations, dated 05.04.2016 and 20.05.2017, made by the petitioners, and pass appropriate orders within a period of eight (8) weeks from the date of receipt of a copy of this order. No order as to costs. As a sequel, miscellaneous petitions pending, if any, shall stand closed.

July 12, 2017
KTL

RAJA ELANGO, J