

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.23490 of 2017

ORDER:

This writ petition is filed under Article 226 of the Constitution of India challenging the action of the 3rd respondent in issuing property tax special notice-revision vide notice dated 11.4.2017 claiming an amount of Rs.2,39,480/- towards property tax and penalty for unauthorized constructions in respect of the non-residential premises bearing Door No.7-055/ C/ 2/ NR, situated at Subash Nagar, Hyderabad.

The case of the petitioners is as follows:

The petitioners purchased residential plots in survey No.241 situated at Subash Nagar Colony-I, Jeedimetla Village, Quthbullapur Mandal and Municipality, Ranga Reddy District, and they jointly applied for construction of ground +2 floors in said plots. Respondent No.3 granted permission for construction of ground + 2 floor, and the petitioners made construction over the said property as per the sanctioned plan and permission without any deviations. After completion of the construction, the 3rd respondent inspected the house property for the purpose of fixing house tax and accordingly, he issued assessment notice dated 20.01.2007 and fixed Rs.15,093/- as property tax and imposed 20% as penalty for unauthorized constructions even though there is no such unauthorized construction. The petitioners paid the tax as per the demand of the 3rd respondent. In the year 2011, the 3rd respondent increased the amount of tax from Rs.16,288/- to Rs.68,624/- and imposed 25% as penalty for unauthorized constructions by changing the house property from residential to non-residential. While so, 3rd respondent without there being any basis, issued a special notice dated 11.4.2017 demanding to pay an amount of Rs.2,39,480/-

towards property tax and imposed penalty of Rs.79,828/- towards unauthorized constructions. The petitioners gave a representation to the 3rd respondent on 25.04.2017. But the 3rd respondent did not respond. Hence, the petitioners filed this writ petition.

Heard and perused the material available on record.

The main grievance of the petitioners is that they have given a representation on the notice impugned herein. But the 3rd respondent has not passed any orders so far.

Considering the circumstances of the case and the grievance of the petitioners, this Court is inclined to pass the following order:

“The 3rd respondent is directed to consider the representation of the petitioners and pass appropriate orders, in accordance with law, as expeditiously as possible.”

Accordingly, the Writ Petition is disposed of. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

RAJA ELANGO, J

July 17, 2017

KTL

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Date: July, 2017

Ktl.