

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.19782 OF 2017

ORDER:

This writ petition is filed seeking to issue a writ of mandamus to declare the action of the 2nd respondent in issuing endorsement in ROC No.580/ 2017/ A1, dated 20.05.2017, as illegal and arbitrary and to set aside the same.

Heard and perused the material available on record.

The petitioner is the owner and possessor of the property bearing D.No.12-2-676, situated at Christian Palem, Main road, Macherla, Guntur District. Since the building was constructed in the year 1952 with Ground + three floors, the petitioner made repairs to it and regularized the same under Building regularization scheme in the year 1998 and renovated the same with a view to use it for hotel purpose in the year 2003. But, the 2nd respondent dug a big open drain consisting of 6 ½ feet depth, 50 feet length and 4 ½ feet width in front of the said building in the year 2001 and they did not construct any approach road towards it, and therefore, there is no ingress and egress for the said building. Therefore, the petitioner vacated the said premises, and from the year 2001 the building is kept vacant. While so, the 2nd respondent raised demand for property tax from 2004-2005 to till date for an amount of Rs.14,03,176/- . The petitioner submitted a detailed representation on 02.05.2016. But, the 2nd respondent did not consider the same. Thereafter, the petitioner filed a revision petition before the 2nd respondent. No action has been taken by the 2nd respondent. Therefore, the petitioner filed W.P. No.41968 of 2016 questioning the action of the 2nd respondent in not considering the revision petition filed

by the petitioner. The said WP was disposed of by this Court with a direction to the 2nd respondent to consider the revision filed by the petitioner. The petitioner approached the 2nd respondent with the copy of the order in WP No.41968 of 2016 requesting her to provide an opportunity of personal hearing. But, the 2nd respondent did not pass any orders on the revision of the petitioner. On the other hand, the petitioner filed an application for issuance of ownership certificate and for providing water connection and drainage connection for running the hotel in the subject premises. But, the officials of the 2nd respondent are instating the petitioner for payment of the demanded tax amount by stating that unless the tax is paid, they will not give water and drainage connection to the said building. Therefore, this writ petition is filed.

When the matter is taken up for hearing learned counsel for the petitioner mainly submitted that a direction may be given to the 2nd respondent to dispose of the revision petition filed by the petitioner and also to consider the representation filed by the petitioner for providing water and drainage connection to the subject building.

Considering the circumstances of the case and also the request of the petitioner, this Court is of the view that this writ petition can be disposed of with the following direction:

The 2nd respondent is directed to provide water and drainage connection to the premises of the petitioner, on petitioner depositing Rs.6,00,000/- (Rupees six lakhs only) on or before 15th July, 2017 and if the petitioner fails to deposit the above said amount within the specified time, the order stands vacated.

Further, the 2nd respondent is directed to consider the revision petition filed by the petitioner challenging the demanded tax amount, as expeditiously as possible.

Accordingly, the writ petition is disposed of. No order as to costs. As a sequel, miscellaneous petition pending, if any, shall stand closed.

June 19, 2017
KTL

RAJA ELANGO, J

