

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.21930 of 2017

ORDER:

Heard the learned Counsel for the petitioner and the learned Standing Counsel for the respondents.

The case of the petitioner is that it has taken the lease of the premises bearing H.No.2-1-110/A/A on 10.08.2016 to run a mess in the name of "Gouri Mess" from the original owners for a period of three years. The said property was purchased by the present owners under a registered sale deed dated 21.07.2016. While so, the premises was inspected by the fourth respondent on 29.12.2016 and a provisional assessment order was issued on 30.12.2016 for Rs.1,35,236/-. After submitting an objection by the petitioner, the said amount was confirmed by order dated 31.05.2017. Challenging the same, the present Writ Petition is filed.

Learned Counsel for the petitioner submits that when the period of unauthorized use cannot be ascertained, the maximum period for which the proceedings can be taken is only twelve months, but in the instant case, four years reading was taken for the purpose of imposing the liability.

As per the present affidavit the property was purchased only on 21.07.2016 and the petitioner took on lease thereafter on 10.08.2016. Whether they were continuing for the previous three years or not and whether the premises was used for

commercial purpose has to be enquired into by the concerned authority, who is the appellate authority.

Since there is a provision for appeal, this Court is not inclined to entertain the present Writ Petition, but gives liberty to the petitioner to file an appeal against the impugned order to the concerned appellate authority within a period of thirty days from the date of receipt of a copy of this order. In the meanwhile, if the petitioner deposits 1/4th of the assessed amount, the power connection shall be restored to the petitioner. If the petitioner does not prefer any appeal within the said period, appropriate action can be taken by the concerned authorities.

The Writ Petition is, accordingly, disposed of. The miscellaneous petitions pending in this Writ Petition, if any, shall stand closed. There shall be no order as to costs.

07.07.2017
vs

(A.RAMALINGESWARA RAO, J)