THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 16448 OF 2017

O R D E R :

This Writ Petition has been filed to declare the action of the 2nd respondent in issuing the notice dated 03.03.2017 under Section 269(2) of the Hyderabad Municipal Corporation Act, 1955 in connection with Flat No. 6-2-6/SF, Siddhartha Bharathi, admeasuring 1322 square feet situated at Lakdi-ka-pool, Raj Bhavan Road, Hyderabad, as arbitrary and illegal and consequently to direct the 2nd respondent to consider the petitioner's representation dated 20.03.2017 without demanding for latest tax receipts.

The case of the petitioner is that he purchased the above-said flat on 07.05.2010 *vide* registered sale deed No. 888 of 2010 from the 3rd respondent, who, at that time, informed that he had paid all taxes, charges etcetera and shown him the 'No Objection Certificate' from the departments concerned, including Greater Hyderabad Municipal Corporation. Surprisingly, on 03.03.2017, the officials of the 2nd respondent have issued the impugned notice demanding to pay Rs.24,46,140/- towards property tax due. The petitioner made the representation dated 20.03.2017 to the 2nd respondent, who, instead of issuing separate tax receipts from 07.05.2010 onwards, insisting him to pay the entire tax.

Heard learned counsel for the petitioner and Sri P. Keshav Rao, learned Standing counsel for the respondent Corporation.

As it is the case of the petitioner that he became the owner of the above-detailed property with effect from 07.05.2010 and he is willing to pay the tax as assessed by the Corporation with effect from the period subsequent to 07.05.2010, the 2nd respondent Deputy Commissioner, Circle XB, Greater Hyderabad Municipal Corporation shall issue a fresh notice specifying the tax amount that should be payable by the petitioner for the period from 07.05.2010 and the petitioner shall pay the said amount. However, if the petitioner has any grievance with respect to the tax claimed, he shall be entitled to redress his grievance in accordance with the procedure prescribed under law. It is made clear that regarding the dues payable prior to 07.05.2010, the Corporation is at liberty to proceed against the previous owner/vendor of the petitioner.

The Writ Petition is accordingly, disposed of. No costs.

Consequently, the miscellaneous Applications, if any shall also stand disposed of.

CHALLA KODANDA RAM, J

28th April 2017

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