

THE HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.1500 OF 2017

ORDER:

This writ petition is filed seeking issuance of writ of Mandamus declaring the impugned notice dated 07.11.2016, issued by the second respondent imposing penalization charges for the alleged deviations of the subject premises of the petitioner, as illegal and arbitrary.

2. It is the contention of the learned counsel for the petitioner that no prior notice was issued to the petitioner before making a revised demand on account of property tax in respect of the subject premises i.e., Togataveera Kshathriya Kalyana Mandapam, situated at D.No.7/672-1, Gandhinagar, Dharmavaram, Anantapuramu District, of the petitioner.

3. Sri Md.Saleem, learned Standing Counsel for the second respondent – Municipality, submits that the very impugned demand notice dated 07.11.2016 refers to the 'Office letter in ROC No.1650/2012-G1 vide reference 4th cited', which indicates that prior notice, in fact, has been issued to the petitioner. However, without insisting on the formalities, learned Standing Counsel fairly submits that the petitioner be directed to submit its explanation/ objections to the impugned notice within one week from the date of receipt of a copy of this order, on condition of the petitioner depositing 1/4th of the amount demanded under the impugned notice and the same will be considered with respect to the revised demand and orders would be passed thereon.

4. In view of the submissions made by the learned counsel for the respective parties, this writ petition is disposed of giving liberty to the

petitioner to make a representation/ objections before the second respondent – Municipality, treating the impugned notice dated 07.11.2016 as a show cause notice, within a period of ten days from the date of receipt of a copy of this order, on condition of the petitioner depositing 1/4th of the amount demanded under the impugned notice. On receipt of such representation/ objections within the stipulated period, the second respondent-Municipality shall consider the same and pass appropriate orders in accordance with law, within a period of two weeks thereafter. Till orders are passed by the second respondent – Municipality, no coercive steps shall be taken against the subject premises of the petitioner. No order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

30.01.2017
vnb

CHALLA KODANDA RAM, J



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Dated : 30.01.2017

vhb