HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.2627 of 2017

ORDER:

The facts, which are not in dispute, are that the petitioner is the absolute owner and possessor of the property bearing Plot No.2, admeasuring 4,840 square yards, bearing H.No.60-96, situated at Cooperative Industrial Estate, Phase-II, Gandhi Nagar, Balanagar, Hyderabad, Ranga Reddy District, having purchased the same by way of registered Sale Deed bearing No.72/2002, dated 01.07.2002. The petitioner has been carrying on the business of manufacturing of plastic products in the said premises by paying property tax regularly to the 1st respondent. While so, in the year 2015, when the 1st respondent raised demand notice for payment of property tax by enhancing it to more than four times to all the industries in the said area, the Cooperative Industrial Society, which was formed by all the plot owners in that area, filed W.P.No.40174 of 2014, wherein a Division Bench of this Hon'ble Court was pleased to pass interim orders dated 31.12.2014 in WPMP.No.50382 of 2014 in W.P.No.40174 of 2014. As the respondent authorities raised demand in violation of the said interim orders, the said society filed a contempt case in C.C.No.577 of 2015, wherein the Division Bench of this Hon'ble Court stayed the operation of the order dated 27.01.2015 issued by the respondent authorities, as the same is in violation of the said interim order dated

31.12.2014. Subsequently, the petitioner sold the said land to four people. However, the respondent authorities are refusing to mutate the names of the purchasers in the Municipal records on the ground of non-payment of property tax dues by the petitioner, resulting in withholding of payment due to the petitioner by the said purchasers. Aggrieved by the same, the present writ petition is filed.

2. Learned counsel for the petitioner submits that pursuant to the order dated 31.12.2014 in W.P.No.40174 of 2014, no notice as such was issued to the petitioner and no opportunity of hearing was afforded to it. Therefore, without there being any reasonable and sustainable demand in terms of the aforesaid orders of the Division Bench of this Hon'ble Court, the petitioner cannot be coerced to make payment as per the will and wish of the respondent authorities.

3. The learned Standing Counsel appearing for respondent Nos.2 and 3, as well as the learned Standing Counsel appearing for respondent No.4 – GHMC submit that the petitioner never made any representation and as such the complaint made by the petitioner could not be considered.

4. Considering the submissions made by the learned counsel for the respective parties, the dispute being in a narrow compass, even in terms of the sale deeds executed by the petitioner in favour of the third parties and payment of

property tax dues upto the date of sale being the liability of the petitioner, who is the owner of the property, the petitioner shall make a representation expressing its grievance with respect to the property tax dues relating to the subject property within a period of two weeks from today and on such representation being received, the respondent authorities shall consider the same and pass appropriate orders in accordance with law, after giving an opportunity of hearing to the petitioner, within a period of two weeks thereafter. As and when such orders are passed raising property tax demand, the petitioner shall be entitled to workout its remedies in accordance with law, if it is otherwise aggrieved. It is also made clear that from the date of execution of the sale deeds in favour of the third parties, it shall be the responsibility of the purchasers to pay the property tax and no demand whatsoever shall be made against the petitioner after the date of execution of the sale deeds.

5. With the above observations and direction, this writ petition is disposed of. No order as to costs.

6. Miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

JUSTICE CHALLA KODANDA RAM

25.01.2017.
Msr

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