IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

Delivered on: 21-04-2017

Coram:

The Honourable Mr. Justice V.RAMASUBRAMANIAN
and
The Honourable Ms. Justice J.UMA DEVI

<u>Writ Petition No.12787 of 2017</u>

Between:

S. Hanumanth Reddy, S/o late Vasudeva Reddy,
H.No.4-2-20, Attapur village, Rajendranagar,
Rajendranagar Mandal, Ranga Reddy District

... Petitioner

Vs.

1. The State of Telangana, represented by its Principal Secretary, Commercial Tax Department, Secretariat Buildings, Hyderabad.

2. The Commissioner of Commercial Taxes, Hyderabad, Telangana State

3. The Deputy Commissioner of Commercial Taxes, Rajendranagar.

4. The Assistant Commissioner of Commercial Taxes, Rajendranagar

5. S. Shiva Kumar, S/o late Ganesh Prasad, Aged about 55 years, Occ: Business, resident of Door No.13-3-295/1, Karwan Road, Puranapool, Hyderabad.

.. Respondents

For Petitioner	:	Mr. Mavidi Rama Rao
For Respondents	:	Mr. J. Anil Kumar, Spl. standing counsel

HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

HON'BLE MS. JUSTICE J. UMA DEVI

Writ Petition No.12787 of 2017

ORDER: (V. Ramasubramanian, J)

The petitioner, who is the landlord of Vasudeva Reddy Complex bearing Door No.4-6-69/1/7, Attapur village, Rajendranagar Rajendranagar Mandal, has come up with the above writ petition, seeking a mandamus to direct the authorities under the Telangana Value Added Tax Act, to take action on a complaint lodged by him on 06-02-2017.

2. Heard Mr. Mavidi Rama Rao, learned counsel for the petitioner.

3. Admittedly, the petitioner let out the ground floor of the Complex measuring an extent of 3000 SFT to the 5th respondent, under a Rental Agreement dated 01-07-2003, for the purpose of running a hotel called "Golden Palace Restaurant". It appears that there are disputes between the petitioner and the 5th respondent leading to the 5th respondent lodging a complaint against the petitioner before the Rajendranagar Police on 29-04-2015.

4. According to the petitioner, the petitioner came to know about an application submitted by the 5th respondent on 01-08-2007 to the Commercial Tax Department, seeking registration under the Telangana Value Added Tax Act, 2005 as a dealer on the basis of Rental Agreement dated 31-07-2007. The case of the petitioner is that he never executed any such Rental Agreement dated 31-07-

2007 and that it is a forged and fabricated document. Claiming so, the petitioner gave a complaint to the respondents to take action for canceling the registration under the Telangana Value Added Tax Act, 2005. It is the further case of the petitioner that the 5th respondent is not even loyal to the Government, in the matter of payment of Value Added Tax. According to the petitioner, the 5th respondent is in arrears of payment of tax and that the official respondents are not taking any action.

5. We have carefully considered the above submissions.

6. Even till today, the 5th respondent continues to be a tenant of the premises. The dispute between the petitioner and the 5th respondent should be normally resolved by the petitioner filing a suit for eviction before the appropriate Civil Court. Instead, the landlord cannot choose shortcut method of eviction on the ground that his tenant should be law abiding. It appears that the petitioner has also taken the long route and the present writ petition happens to be the shortcut.

7. The question as to whether a tenant has produced a proper agreement or not are all issues that can be decided only by the Civil Court. Whether the 5th respondent is in arrears of tax or not, is the lookout of the official respondents. While a word of appreciation can be recorded for the petitioner attempting to make his tenant a law abiding citizen, no relief can be granted in a matter of this nature where private scores are sought to be settled under the guise of public interest. Therefore, the writ petition is dismissed.

As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

V. RAMASUBRAMANIAN, J

J. UMA DEVI, J

Date: 21-04-2017

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