

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.10182 OF 2017

ORDER:

The writ petition is filed questioning the notice dated 17.03.2017, issued by the 2nd respondent demanding the petitioner to pay the property tax for the period from 2001 to 2017.

It is the specific case of the petitioners that they have purchased the property over an extent of Ac.20.00 cents of land, situated at Sy.No.460, Vikarabad Road, Sadasivapet, Medak District, from one M/s.Splendid Vintrade Private Limited, for a valuable sale consideration, vide document No.18573 of 2013 on 01.10.2013. It is stated that the petitioner submitted a representation dated 27.06.2014 to the 2nd respondent requesting him to change the name of ownership in respect of the property purchased by the petitioner, but the 2nd respondent did not change the ownership on the ground that there were dues to the Municipality by way of property tax by the vendor of the petitioner. Hence, the writ petition.

It is well settled by the judgments of the Supreme Court that the previous owners' dues do not get attached to the property which is purchased in a public auction. Reference may be made to:

- i) **Isha Marbles vs. Bihar State Electricity Board and another¹**
- ii) **Macson Marbles Private Limited vs. Union of India²**
- iii) **Rana Girders Limited vs. Union of India and others³**

¹ (1995) 2 Supreme Court Cases 648

² (2008) 15 Supreme Court Cases 481

Having regard to the facts and circumstances of the case and especially in view of the representation dated 27.06.2014, submitted by the petitioner, is pending with the 2nd respondent, the writ petition is disposed of with a direction to the 2nd respondent, to consider the mutation request of the petitioner particularly keeping in view of the law declared by the Supreme Court in the above referred judgments, without insisting for payment of property tax due prior to the purchase of the property in question, and pass appropriate orders, in accordance with law, within a period of four weeks from the date of receipt of copy of the order.

With the above direction, the writ petition is disposed of. No order as to costs. Miscellaneous Petitions, if any, in this writ petition shall stand closed.

CHALLA KODANDA RAM,J

Date:21.03.2017,

Note:

Issue CC forthwith.

B/o.

Gk.

³ (2013) 10 Supreme Court Cases 746

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM



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