

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.1797 of 2017

ORDER:

This writ petition is filed seeking mandamus declaring the impugned notice dated 07.11.2016 issued by the 2nd respondent imposing penalization charges for the alleged deviations of the subject premises of the petitioner, as arbitrary and illegal.

2. It is the contention of the learned counsel for 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., Bugga Pedda Peddanna Rosamma Balija Kalyana Mandapam, situated at D.No.7/152, Madhava Nagar, Dharmavaram, Anantapur District, of the petitioner.

3. Sri Md. Saleem, learned Standing Counsel for 2nd 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 2nd 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 2nd 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 2nd respondent – Municipality, no coercive steps shall be taken against the subject premises of the petitioner. No order as to costs.

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

JUSTICE CHALLA KODANDA RAM

20.01.2017.
Msr

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