THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.14634 of 2017

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioner challenging the demand notice, dated 13.03.2017, which was said to have been affixed to the property of the petitioner, wherein it is stated that since a long time, no property tax is being paid on the property and, therefore, the petitioner is required to pay arrears of property tax in a sum of Rs.5,92,100/- as demanded in the said notice.

2. Heard learned counsel appearing for the petitioner and the learned Standing Counsel appearing for the 2nd respondent Municipality.

3. It is the submission of the learned counsel for the petitioner that the petitioner had already paid a sum of Rs.45,000/-, by way of cheque bearing No.270147, dated 02.03.2017 as against the demand.

4. Learned Standing Counsel for the 2nd respondent Municipality submits that the assessment would be made in accordance with the procedure established by law.

5. Having regard to the issue involved and the submissions made, the Writ Petition is disposed of, with a direction to the 2nd respondent to issue a fresh notice to the petitioner by making proper assessment in accordance with law and Rules by re-fixing the arrears of property tax as required under facts and in law. However, the above direction is subject to the condition of the petitioner depositing a sum of Rs.2,00,000/-, within a period of eight weeks from today, in addition to the sum of Rs.45,000/- already paid. The amount now directed to be paid and the amount already paid shall be subject to the final orders that may be passed by the respondent authorities. It is needless

to mention that till final orders are passed, no demand for the balance arrears, if any, shall be made.

Pending miscellaneous petitions, if any, shall stand closed.

There shall be no order as to costs.

M.SEETHARAMA MURTI, J

24th April, 2017
RAR