

The Hon'ble Sri Justice M.Seetharama Murti

Writ Petition No.39131 of 2017

Dated 29.11.2017

Order:

This Writ Petition is filed for the following relief:

“For the reasons stated in the accompanying affidavit to pass an order, direction or writ more particularly one in the nature of writ of mandamus declaring action of the Respondents more particularly the Respondent No.3 while refusing to register the Sale Deed Dated 08.11.2017 presented by the Petitioner in respect of Portion of Plot Nos.58 and 59, admeasuring 204 sq.yds or 170.54 sq.mts forming part of Sy.No.74/4 of the Vyjayanthi Co-operative Housing Society Limited, situated at Mahendra Hills, East Marredpally, Secunderabad as illegal, arbitrary and against the provisions of law and consequently direct the Respondent Nos. 2 & 3 to receive and register the Sale Deed, Dated 08.11.2017 presented by the Petitioner pertaining to the above property thereby to release the same in accordance with law.”

(Reproduced verbatim)

Heard learned Counsel for the petitioner, learned Standing Counsel for Greater Hyderabad Municipal Corporation appearing for respondent Nos.2 and 3 and perused the material available on record.

The grievance of the petitioner is that the impugned notice of demand, dated 09-11-2017, was issued by respondent No.3 without following the directions of this Court in Order, dated 19.03.2015, in WP.No.5502 of 2015.

In the aforesaid Order, this Court, while directing a notice of demand, which is similar to the one impugned in the present Writ Petition, to be kept in abeyance, directed that an opportunity of personal hearing be given to the petitioner therein after issuing a notice and a decision shall be taken thereafter. It was also observed therein that on failure of the petitioner to turn up for personal hearing, the notice impugned in the said Writ Petition will stand revived. However, according to the petitioner, the present notice of demand was issued without doing the exercise as stated in the aforesaid Order.

The learned Standing Counsel for respondent Nos.2 and 3 would submit that there is justification in making the demand, but however, since the demand was made without following the directions of this Court, this Writ Petition may be disposed of with appropriate directions.

Recording the above submission of the learned Standing Counsel, the Writ Petition is disposed of by setting aside the impugned notice of demand, dated 09-11-2017, of respondent No.3. Respondent Nos.2 and 3 are directed to follow the directions issued by this Court in WP.No.5502 of 2015 and complete the necessary exercise within six weeks from the date of

receipt of a copy of this order In the meantime, the petitioner shall pay the property tax as per the old valuation.

As a sequel, Miscellaneous Petitions, pending if any, stand disposed of as infructuous.

(M.Seetharama Murti, J)

Dt: 29th November, 2017

Note:
CC in 3 days.
(B/o)
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