

**HON'BLE SRI JUSTICE M. SEETHARAMA MURTI**

**WRIT PETITION No.35258 of 2017**

**ORDER:**

In this writ petition filed, under Article 226 of the Constitution of India, the complaint of the petitioners is that the second respondent seized and locked the property situated in Door Nos.30-12-12 & 30-12-13, Ranga Street, Daba Garden, 27<sup>th</sup> Ward, Visakhapatnam, and that the said action is illegal and arbitrary and that the Notice and Bill No. Nil, dated 26.09.2017 demanding property tax to a tune of Rs.12,48,341/- is illegal and contrary to the order passed by this Court in W.P.No.14165 of 2017, dated 19.04.2017.

I have heard the submissions of the learned counsel for the petitioners and the learned Standing Counsel appearing for the second respondent.

At the hearing, learned counsel for the petitioners brings to the notice of this Court the order, dated 19.04.2017, in the aforestated W.P.No.14165 of 2017, and would submit that in two spells the entire tax demanded was paid and that no dues are payable and that despite the said fact, the questioned action was taken by the second respondent and its officers.

Learned Standing Counsel for the second respondent would fairly submit that the impugned notice was inadvertently issued and it can be set aside. However, he forcefully submits that the officers and staff of the second respondent have not put any locks on the subject property and therefore, no relief in that regard can be granted to the petitioners.

In reply, the learned counsel for the petitioners would submit that if the impugned notice is set aside and permission is accorded to remove the locks put on the subject property and enter the property, the ends of justice would be met.

Recording the submission, the writ petition is disposed of setting aside the Notice dated 26.09.2017 and permitting the petitioner to remove the locks put up on the subject property and enter the property.

Miscellaneous petitions pending, if any, shall stand closed.  
There shall be no order as to costs.

Date: 03.11.2017

**Note: Issue CC in two days**

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**M. SEETHARAMA MURTI, J**

