

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

**WRIT PETITION No.37337 of 2017**

**ORDER:**

In this Writ Petition, the challenge is to the intimation, dated 19.09.2016, whereby the Vice Chairman of the 2<sup>nd</sup> respondent authority, while considering the application of the writ petitioner, under BPS, informed the petitioner to make online payment of Rs.1,38,79,430/- for taking further action.

2. I have heard the submissions of Sri *P.B. Vijaya Kumar*, learned counsel appearing for the petitioner, learned Government Pleader for Municipal Administration and Urban Development appearing for the 1<sup>st</sup> respondent, and of Sri *P. Jagadish Chandra Prasad*, learned Standing Counsel appearing for the 2<sup>nd</sup> respondent. I have perused the material record.

3. The case of the petitioner is that the demand made is exorbitant and that the property is not in an urban area and that it is located in a remote area and that the amount ought to have been assessed in terms of G.O.Ms.No.128/MA&UD, dated 22.05.2015, and that the intimation is liable to be set aside for not affording an opportunity of hearing to the petitioner before making the demand as afore-stated.

4. Learned Standing Counsel appearing for the 2<sup>nd</sup> respondent submits that the 2<sup>nd</sup> respondent authority is prepared to take a fresh decision in the matter after affording an opportunity of personal hearing to the petitioner.

5. Recording the submissions, the impugned intimation, dated 19.09.2016, is set aside and the matter is remitted to the 2<sup>nd</sup> respondent authority for taking a considered decision afresh after

affording an opportunity of personal hearing to the petitioner. The necessary exercise in this regard shall be completed within a period of eight (08) weeks from the date of receipt of a copy of this order. It is needless to state that the decision taken thereon shall be communicated to the petitioner within a week thereafter.

There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

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**JUSTICE M. SEETHARAMA MURTI**

Date: 15<sup>th</sup> November, 2017

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