

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

**Writ Petition No.42723 of 2017**

**ORDER:**

This writ petition, under Article 226 of the Constitution of India, is filed by the petitioner, seeking verbatim the following the relief:

“....to issue an order or direction more particularly one in the nature of writ of mandamus or any other appropriate writ order declaring the action of the respondent no.2 in not passing any orders considering the explanation cum representation dated 6-12-2017 submitted by the petitioners to the notice issued dated 30-11-2017, is nothing but arbitrary, illegal, null and void and violative of principles of natural justice and also violative of Articles 14, 19 and 21 of the constitution of India. Consequently, direct the respondent no.2 to consider the explanation cum representation, dated 6-12-2017 and not to allot any VLT number in favour of the respondent no.3 to the land owned and possessed by the petitioners an extent of the land admeasuring 455.78 sq.yds., which is part of the residential house no.4-1-18 situated at Balaji Road, Korutla Proper and Mandal, Jagtial District, and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the interest of justice.

The case of the petitioners is this: ‘ They are owners of the subject land of an extent of 455.78 Square Yards, which is part of H.No.4-1-18 with appurtenant vacant site within compound walls situate at Balaji Road, Korutla Proper and Mandal, having acquired the same about 19 years back from the original owners. The petitioners are enjoying the same. The 2<sup>nd</sup> respondent municipality is collecting property tax from the petitioners having assigned a door number. For convenience, the petitioners, who are brothers, partitioned the property by means of a registered partition deed, dated 13.11.2017. The unofficial 3<sup>rd</sup> respondent, who is unconcerned with the afore-stated subject property of the petitioners, having created a registered sale deed in respect of an extent of 207.63 Square yards out of the above said land of the petitioners, approached the 2<sup>nd</sup> respondent and requested to allot VLT number to the said

occupied extent. After inspection, by notice, dated 30.11.2017, the 2<sup>nd</sup> respondent municipality directed the petitioners to submit their explanation with documents. Accordingly, the petitioners gave their explanation/representation, dated 05.12.2017, along with copies of documents, but, thereafter, no action is taken by the 2<sup>nd</sup> respondent municipality. Hence, the writ petition is filed.

Learned standing counsel representing the 2<sup>nd</sup> respondent municipality would submit that the explanation/representation of the petitioners would be considered and disposed of in accordance with the procedure established by law.

Recording the afore-said submissions, the Writ Petition is disposed of directing the 2<sup>nd</sup> respondent to consider and dispose of the explanation/representation, dated 05.12.2017, of the petitioners, within four weeks from the date of receipt of a copy of this order, in strict accordance with the procedure established by law, and communicate the decision taken thereon to the petitioner within a week thereafter. There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order.

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**M.SEETHARAMA MURTI, J**

20.12.2017  
Vjl