

HON' BLE SRI JUSTICE Dr. B. SIVA SANKARA RAO

WRIT PETITION No.289 of 2018

ORDER:

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

“to issue a Writ of Mandamus or any other appropriate Writ, Order or Orders, Direction or Directions to declare the action of the 3rd respondent in changing the classification of the property of the petitioner in 9-1-27, Venkateswara Swamy Temple Street, Peddapuram, East Godavari District from Zone No.3 to Zone No.2 as illegal and arbitrary and to issue a consequential direction to the 3rd respondent to treat the petitioner's property as situated in Zone No.3 and to assess the same to property tax accordingly without insisting for the tax payable by treating it as falling in Zone No.2, and pass such other order or orders as this”

2. Heard the learned counsel for the petitioner, the learned Government Pleader for Municipal Administration appearing for respondent Nos.1 and 2 and Sri N.Venkateswarlu, learned Standing Counsel, who offers to file vakalat for respondent No.3 and perused the prayer in the writ petition with supporting affidavit and other material on record.

3. Even from the very representation, it speaks about the classification from Zone No.3 to Zone No.2 was done long back, because the representation dated 31.05.2017 speaks of the notices received in this regard even in February, 2011.

4. The submission of the learned Standing Counsel is that the said classification is done way back in 2002.

5. Having regard to the above, as the disputed questions of fact involved, this Court cannot entertain the writ petition, but for, to direct the respondents to consider the said representation of the petitioner and pass orders thereon and communicate the same to the petitioner. Further remedies if any, are left open.

6. Consequently, miscellaneous petitions, if any shall stand closed. No order as to costs.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 06.02.2018
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