

The Hon'ble Dr. Justice B.Siva Sankara Rao

Writ Petition No.3731 of 2018

Dated 07.02.2018

Order:

Heard learned Counsel for the petitioner and Sri Sudhakar Reddy, learned Standing Counsel for the Greater Hyderabad Municipal Corporation (GHMC), who offers to appear from the oral instructions of the respondents. Perused the prayer in the Writ Petition, the supporting affidavit and the written instructions.

The prayer in the Writ Petition reads as follows:

“to issue a Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in issuing demand notice dt.12.11.17 to the petitioner showing arrears as Rs.1,63,011/- in respect of CAN No.616327512 without any basis and without issuing any notice, as illegal, arbitrary, contrary to law and in violation of principles of natural justice and consequently, set aside the same.”

Learned Counsel for the petitioner submitted that pursuant to demand, dated 12-10-2017, only an amount of Rs.241.95 ps was due; that the same was paid; that a receipt bearing No.3703968 was also obtained; and that, however, the subsequent demand, dated 12-11-2017, shows that an amount of Rs.1,65,538.50 ps is due, which is absolutely untenable.

Learned Standing Counsel for GHMC submitted that there was a software error, which was rectified; that the

petitioner has not been paying the water charges since 2010 as evident from the records; and that she is due to pay an amount of Rs.1,77,866.34 ps towards water charges. The petitioner has also placed before the Court, the written instructions of respondent No.1 issued in this regard.

In view of the same, the Writ Petition is disposed of directing the petitioner to pay 1/3rd of the amount demanded and file a representation along with documentary proof, if any, before respondent No.1 within seven days from the date of receipt of a copy of this order. On such representation being filed, respondent No.1 shall consider the same along with the proof of payment and after adjustment of the amounts paid, issue a fresh demand notice for the balance amount. However, if there is any amount to be refunded to the petitioner, the same shall be adjusted towards the future bills. It is made clear that if the petitioner fails to comply with above condition of payment of 1/3rd amount, the respondents can proceed further in pursuance of the impugned demand notice.

As a sequel to disposal of the Writ Petition, Miscellaneous Petitions, pending if any, stand disposed of as infructuous.

(Dr.B.Siva Sankara Rao, J)

Dt: 7th February, 2018
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