

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

WRIT PETITION No.5035 of 2018

ORDER:

Heard learned counsel for the petitioner, learned Government Pleader for Municipal Administration for respondent No.1 and learned Standing Counsel Sri Md. Saleem, offers to appear with written instructions on behalf of 2nd respondent and perused the prayer in the writ petition with the supporting affidavit and other material on record.

It is the impugment of the proceedings dated 03.02.2018 showing the arrears with penalty for a total sum of Rs.6,92,539/- of which amount of arrears shown Rs.4,30,066/- and remaining Rs.2,62,473/- as penalty.

It is the submission of the learned counsel for the petitioner in support of the prayer from the affidavit averments also that imposing of penalty is contrary to law including under Section 85 of the Municipalities Act, 1965. Whereas it is the submission of the learned Standing Counsel including from the written instructions that several notices were issued and there are arrears and for arrears despite notice the amount not paid and there is nothing to interfere in quantum demanding to pay and the contention of no notice earlier given, nothing but suppression of factum of receiving of notice even.

Having regard to the above, there is nothing to keep the writ petition pending much less to go into the factual disputed question, but for dispose of by giving liberty to approach the 2nd respondent Madanapalle Municipality rep. by its Commissioner within one week from the date of receipt of this order on any

working day with proof regarding payments made by the petitioner and what is amount due and payable and to give some time for payment and the 2nd respondent can further proceed pursuant to the impugned notice for recovery and to consider any penalty can be levied or not also in this regard. The further grievance of the petitioner is left open and in the meantime no coercive steps to be taken.

Accordingly and in the result, the Writ Petition is disposed of.

Consequently, miscellaneous petitions, if any shall stand closed. No costs.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 16.02.2018

Note: Issue C.C. by 19.02.2018

(B/o)

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