

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

W.P.No.20454 of 2009

ORDER

This writ petition is filed seeking a writ of mandamus declaring the notice dated 23.03.2009 issued by the 3rd respondent demanding the petitioner to pay an amount of Rs.25,219/- towards advertisement fee based upon the proceedings of the 1st respondent dated 24.12.2008, as illegal and arbitrary.

2. Today, when the matter came up for hearing, learned counsel for the petitioner submits that the issue involved in the present writ petition is squarely covered by the judgment of this Court in W.P.No.23354 of 2009 and batch, dated 31.12.2009, and the same is not disputed by the learned Government Pleader for Municipal Administration appearing for respondents 1 and 2.

3. The issue involved in the present writ petition is the right of the 3rd respondent being a private authority to issue such notice under Section 421 of Hyderabad Municipal Corporation Act, 1955, demanding payment of property tax on behalf of the Corporation. Right to collect tax is a sovereign function, which has to be discharged by the authority authorized under law as per Article 265 of the Constitution of India. This Court had considered the same in the aforesaid batch of writ petitions.

4. In the above circumstances, this writ petition is allowed in terms of the orders passed in W.P.No.23354 of 2009 and batch

dated 31.12.2009. No order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

24th July, 2018

CHALLA KODANDA RAM, J

sj

