

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.9898 of 2018

ORDER:

Heard Sri A.Srinath, learned counsel for the petitioner, and Sri L.Prabhakar Reddy, learned Standing Counsel for the respondent Corporation.

Demand notices, dated 13.12.2017, bearing Nos.85412 and 85411 respectively issued for payment of property tax for plot Nos.13 and 20-B in Block No.32 of the petitioner situated in Autonagar, Hyderabad, are under challenge in the present Writ Petition.

It is submitted by the learned counsel for the petitioner that the amounts payable towards arrears and current demand October to March, 2017-2018 are payable by the petitioner herein and the petitioner is ready to pay the same. It is further submitted that the demand, raised towards penalty on arrears upto September, 2017, current penalty 2017-2018 and interest on arrears upto September, 2017, is contrary to the provisions of Section 220-A of the Greater Hyderabad Municipal Corporation Act, 1955. In elaboration, it is further submitted by the learned counsel that, without following any procedure to determine the nature of construction, whether it is unauthorized or not, the respondent authorities issued the impugned notices. It is further submitted that, without issuing

any notice and without affording any opportunity of being heard to the petitioner herein, the impugned action has been resorted to and the said action on the part of the respondent authorities is in total violation of the principles of natural justice.

On the other hand, it is submitted by the learned Standing Counsel that there is no illegality on the part of the respondent authorities and the petitioner herein is liable to pay the arrears.

Having heard the learned counsel for the petitioner and the learned Standing Counsel for the respondent Corporation, this Court deems it appropriate to dispose of the Writ Petition, directing the impugned demand notices to be treated as show cause notices to the extent of demanding penalty on arrears upto September, 2017, current penalty 2017-2018 and interest on arrears upto September, 2017 and the petitioner herein is given liberty to file objections, if any, before the respondent authorities within a period of two weeks from the date of receipt of a copy of this order and if any such objections are filed by the petitioner herein, the same be considered and appropriate orders be passed, strictly in accordance with law, within a period of six weeks thereafter. Till the said exercise is finalized no coercive action, pursuant to the impugned demand notices to the extent of the above said amount, shall be taken. It is

made clear that, for consideration of the objections of the petitioner herein, the petitioner herein shall pay the arrears and the current demand from October to March, 2017-2018.

Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

Miscellaneous petitions, if any, pending, shall stand closed.

27th March, 2018
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A.V.SESHA SAI,J

