

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.41056 of 2018

ORDER:

This Writ Petition is filed seeking writ of mandamus declaring the notice dated 17.07.2018 issued by the 3rd respondent to the petitioners in concluding the deficit stamp duty and penalty of Rs.75,600/- in respect of subject property, without making proper assessment and without allowing the petitioners to make a representation, as illegal and arbitrary.

It is the case of the petitioners that by virtue of impugned notice dated 17.07.2018 issued by the 3rd respondent, they were asked to appear on 27.07.2018 regarding collection of deficit stamp duty and penalty.

Heard learned counsel for the petitioners and learned Assistant Government Pleader for revenue appearing for respondents.

Learned counsel for the petitioners submits that the said notice dated 17.07.2018 was dispatched after hearing date is over. He submits that a direction is issued to the S.R.O, Secunderabad with a request to enter the Deficit Stamp Duty in the Encumbrance Certificate and also requested the Commissioner, GHMC not to mutate the house No.6-1-349/1, Walker Town, Secunderabad in the name of the petitioners, which is in violation of principles of natural justice. He submits that the impugned notice may be treated as show-cause notice and petitioners may be permitted to file explanation to the same.

In view of the same, it is open for the petitioners to submit necessary explanation to the notice dated 17.07.2018 issued by the 3rd respondent, within a period of four weeks from today and on such

explanation, the 3rd respondent is directed to consider the same along with other objections of the petitioners and pass appropriate orders, after affording an opportunity of hearing to the petitioners. Till then, no coercive steps shall be taken against the petitioners in respect of the subject property.

With the above direction, the writ petition is disposed of. There shall be no order as to costs. Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

15-11-2018
kvs

A.RAJASHEKER REDDY,J



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Date: 15.11.2018



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