

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 9973 OF 2019

ORDER

This petition is filed for a writ of *Mandamus* declaring the Notice of Demand dated 29.04.2019, issued by the 2nd respondent under Sec.268 of the Greater Hyderabad Municipal Corporation Act, 1955, as illegal and arbitrary.

2. It is the case of the petitioner-bank that it is only a tenant and in terms of Section 276 of the G.H.M.C.Act, 1955, the occupier is liable to pay only to the extent of one year property tax and the rest of the amount, if any due, would have to be collected from the owner.

3. Learned counsel for the petitioner-bank also asserts that the impugned Notice of Demand does not specify as to what period the amount is being demanded; and that in the absence of the same, petitioner is unable to take necessary steps even to challenge the same. He further asserts that it is the responsibility of the property owner under lease agreement entered into between the petitioner-bank and the property owner, to pay the tax.

4. Learned Standing Counsel for the respondent Corporation submits that in terms of Section 276 of the G.H.M.C.Act, only one year demand can be made from the occupier and the petitioner-bank may be directed to pay the one year demand along with interest for the belated payment, leaving it open to the respondent Corporation to take appropriate steps to collect the balance amount from the owners.

5. Having regard to the respective submissions made by both the parties, the writ petition is disposed of by setting aside the Notice of Demand dated 29.04.2019 to the extent of arrears and the proportionate interest on the arrears, subject to the petitioner depositing a sum of Rs.5 lakhs, within a period of two weeks from the date of receipt of a copy of this order. However, it is open for the respondent Corporation to initiate appropriate proceedings for recovery of the arrears, if any, from the owners. No order as to costs.

6. As a sequel thereto, miscellaneous applications if any pending, shall stand closed.

01.05.2019
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CHALLA KODANDA RAM, J

