THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 19267 of 2019

O R D E R :

This Writ Petition is filed to call for the records relating to Memo No. 4457/MCB/2019 dated 20.08.2019 issued by the 2nd respondent Commissioner, Bhupalpally Municipality keeping the assessment made in respect of H. No. 19-223/2, Karlmarks Colony, Bhoopalpally, Jayshankar Bhupalpally District in abeyance.

The petitioner claims to have purchased the above-said house, raised a tenement duly obtaining permission from the Gram Panchayat in 1991 and has been residing therein. She asserts that the property has been assessed to tax over the years, however, at the instance of Respondents 4 to 8, the same was kept in abeyance by the municipal authorities. She further asserts that she filed O.S. No. 585 of 2019 in the Court of the II Additional Senior Civil Judge at Warangal for perpetual injunction against Respondents 4 to 8 and the same is pending.

Heard learned counsel for the petitioner as well as Sri N. Praveen Kumar, learned Standing Counsel for the respondent Municipality.

A perusal of the impugned order discloses that the petitioner had failed to produce any material before the authorities with respect to the tax assessment made in her favour. On the other hand, the respondent authorities had recorded that the land in Survey No. 307 over which the petitioner is claiming right, is a ceiling land. In those circumstances, as there is a dispute with regard to identification of the property and also with respect to the title, the authorities have kept the tax assessment in abeyance. This Court does not find any irregularity in the same.

However, considering the fact that there is a dispute with regard to the identity and title to the property, it is made clear, filing of the Writ Petition shall not be construed as disentitling the petitioner to approach the civil Court and obtain appropriate orders. The assessment or non-assessment of the property to the municipal tax shall also not be construed as the municipal authorities expressing any opinion with regard to the title to the property as the authorities are primarily concerned with collection of tax under the relevant Act.

Subject to the above, the Writ Petition is closed. It is made clear, this order shall not be construed as this Court expressing any opinion with respect to title of either of the parties over the subject property. No costs.

Consequently, the miscellaneous Applications, if any shall stand closed.

CHALLA KODANDA RAM, J

11th September 2019

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