

HON'BLE SRI JUSTICE P. KESHAVA RAO

WRIT PETITION No.1985 of 2020

ORDER :

Heard learned counsel for the petitioner as well as the learned Standing Counsel for respondent No.2 – Municipality.

The prayer sought in the writ petition is as under:

“.....this Hon'ble Court may be pleased to issue an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus to declare the action of respondent No.2 in issuing the Demand Notice dt.21.05.2019 for payment of Property Tax of Rs.48,833/- for the years 2018-19 and 2019-20 in respect of the premises bearing H.No.19-855 situated at Hanmanpet, Sagar Road, Miryalaguda Town, which was already dismantled, as being illegal, arbitrary, unjust and unconstitutional and consequently direct the 2nd respondent to withdraw the Demand Notice dt.21.05.2019 and to grant such other relief or reliefs”

In compliance with the order passed by this Court on 31.01.2020, the learned Standing Counsel for respondent No.2 – Municipality has placed before this Court the written instructions received from respondent No.2 - Municipality.

From a perusal of the said written instructions, it is revealed that the petitioner was granted Building Permission vide File No.3047/W17/2019/1749, dt.18.06.2019. However, the impugned Demand Notice dt.21.05.2019 for payment of the Property Tax, was issued due to oversight. It is also stated in the written instructions that the Demand Notice is issued

in a routine manner based on the record available only. It is further stated that the petitioner submitted a representation dt.13.08.2019 by enclosing the relevant documents and explaining about partition of his property as well as the Building Permission obtained by him from respondent No.2 – Municipality. Thereafter, the Municipality has not taken any coercive steps to collect the Property Tax as per the Demand Notice dt.21.05.2019.

Having heard learned counsel for the respective parties and in the light of the specific instructions, as stated supra, this Court is of the opinion that the impugned Demand Notice dt.21.05.2019, cannot stand to the legal scrutiny and *ex facie*, it is arbitrary and illegal.

Therefore, the writ petition is allowed and the impugned Demand Notice dt.21.05.2019 issued by respondent No.2 – Municipality is set aside. No order as to costs.

Miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

JUSTICE P. KESHA RAO

05.02.2020.
Msr

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05.02.2020
(Msr)