

**HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
(Special Original Jurisdiction)**

**TUESDAY, THE FIFTEENTH DAY OF MARCH
TWO THOUSAND AND TWENTY TWO**

PRESENT

THE HONOURABLE SMT JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO: 13328 OF 2022

Between:

J.Kondanna, S/o. J.Chandraiah, Aged about 70 Years, Occ. Agriculture, R/o.
H-No.10-150, Kothakota Village and Mandal, Wanaparthy District.

...PETITIONER

AND

1. The Commissioner, Kothakota Municipality, Wanaparthy District.
2. The Kothakota Municipality, rep by its Chairman, Kothakota Village and Mandal, Wanaparthy District.
3. The District Collector, Wanaparthy.
4. The State of Telangana, rep by its Principal Secretary to Municipal Administration Urban Development, TS Secretariat, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to call for the records relating to the impugned notice in file no. A/113/2020, dated 30/12/2021 of the 1st Respondent and set aside the same by declaring it as illegal and contrary to law in consequence thereof to direct the 1st respondent to extend the contract of collecting tax (Tai Bazar) for Kothakota Municipality to the Petitioner in view of the lockdown imposed by the State Government due to spread of Covid-19 virus, Road Widening Works, Drainage Works conducted by the 1st Respondent by issuing Writ order or direction more particularly one in the nature of the Writ of Mandamus or any other Writ.

IA NO: 1 OF 2022

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the 1st respondent to continue the contract(for collecting tax(Tai Bazar tax) for the period April-2022, March-2023 to Petitioner for Kothakota Municipality by suspending the impugned notice of the 1st Respondent in file no. A/113/2020, dated 30/12/2021, pending final pending disposal of the above writ petition.

Counsel for the Petitioner:SRI. V.V.NARASIMHA RAO

Counsel for the Respondent No's.1 &2: SRI N.PRAVEEN KUMAR (SC FOR MC)

**Counsel for the Respondent No's. 3 & 4: GP FOR Municipal Administration
Urban Development**

The Court made the following: ORDER

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION No.13328 of 2022

ORDER:

This Writ Petition is filed to call for the records relating to the impugned notice in File No. A/113/2020, dated 30.12.2021 of the 1st respondent and set aside the same by declaring it as illegal and contrary to law and consequently to direct the 1st respondent to extend the contract of collecting tax (Tai Bazar) for Kothakota Municipality to the petitioner in view of the lockdown imposed by the State Government due to spread of Covid-19 virus.

2. Learned counsel for the petitioner Sri V.V. Narasimha Rao submits that the petitioner is a successful bidder for collecting tax for Kothakota Municipality from April 2021 to March 2022. The said contract was given on 30.03.2021 in the open auction for an amount of Rs.23,05,000/-. The petitioner had paid an amount of Rs.1,93,083/- per month and his house was also mortgaged with the 1st respondent as security. It is submitted that the petitioner could pay the amount till March 2021, but unfortunately, due to pandemic and in view of the lockdown imposed by the State as well as the Central Government as

there is no business for six months, the petitioner is unable to pay the remaining amount of Rs.10,44,581/- from May to November 2021. It is submitted that taking advantage of the same, the respondent authorities issued notice demanding the petitioner to pay an amount of Rs.11,36,567/-. Learned counsel submits that the petitioner has brought this fact to the notice of Respondents 1 and 2 and made a representation on 09.04.2021, but they failed to consider the same. Hence, the petitioner seeks a direction from this Court to set aside the impugned notice issued by the respondents.

3. Heard Sri N. Praveen Kumar, learned Standing Counsel for the respondent Municipality.

4. In this case, admittedly, there was a contractual obligation between the parties and by virtue of the same, the petitioner has to pay certain amounts to the respondents. The respondents have issued several notices to the petitioner on 18.08.2021, 21.09.2021, 29.09.2021 and 22.11.2021, in spite of all the notices, the petitioner failed to respond. Finally, the respondents issued the impugned notice on 30.12.2021 asking the petitioner to pay the amount, but the petitioner without responding to the earlier notices, have come before this Court. During the course of arguments, it is also urged that this Court

may grant some more time to pay the arrear amount. This Court is not in a position to appreciate any of the contentions and the petitioner could not make out a ground for grant of a writ more in the nature of *mandamus*. The petitioner ought to have given his explanation to the notices issued by the respondents. Looking at the conduct of the petitioner, who has kept quiet from 18.08.2021 till now and comes up with the plea, which is not legally-tenable, this Court finds no reason to set aside the impugned notice.

5. The Writ Petition is accordingly, dismissed. There shall be no order as to costs.

6. The miscellaneous Applications, if any shall stand closed.

//TRUE COPY//

SD/-I.NAGALAKSHMI
ASSISTANT REGISTRAR
SECTION OFFICER

To,

1. One CC to SRI. V.V.NARASIMHA RAO Advocate [OPUC]
2. One CC to SRI. N.PRAVEEN KUMAR (SC FOR MC), Advocate [OPUC]
3. Two CCs to GP FOR Municipal Administration Urban Development, High Court for the State of Telangana. [OUT]
4. Two CD Copies.
5. One Spare Copy.

GB
BS

HV4

HIGH COURT

DATED:15/03/2022

ORDER

WP.No.13328 of 2022



DISMISSING THE WP
WITHOUT COSTS.

⑦
7/6/22
HVA