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

WEDNESDAY, THE EIGHTEENTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SRI JUSTICE K.LAKSHMAN

WRIT PETITION NO: 2655 OF 2009

Between:

Sri R. Raghunandan, S/o. Late Sri R. Chinna Rao, aged 45 years, Occ: Advocate, R/o. H.No. 1-11-217/2, Begumpet, Hyderabad.

...PETITIONER

AND

1. The Greater Hyderabad Municipal Corporation, Rep by its Commissioner, having its Office at Tankbund Road, Hyderabad.
2. The Deputy Commissioner, Circle No. 10, The Greater Hyderabad Municipal Corporation, 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 grant an order, direction or writ, more so in the nature of writ of mandamus, declaring the levey of open land tax for the years 2007-2008, 2008-2009 and penalty contained in the impugned notice bearing No. 1281/2008-09, dated 1-1-2009 issued by the respondents, as illegal, arbitrary, highhanded, without jurisdiction or authority of law and being violative of Article 14 and 265 of constitution of India and consequently set aside the said demand and direct the respondents not to made any demand of open land tax against the petitioner for any year with regard to premises bearing No. 8-2-293/82/JIII/PLOT 163, Jubilee Hills, Hyderabad.

I.A. NO: 1 OF 2009(WPMP. NO: 3394 OF 2009)

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 stay all further proceedings pursuant to the impugned notice of the demand bearing No. 1281/2008-09, dated 1-1-2009 issued by the respondents with regard to the

property bearing plot No.163, Road No. 76, Jubilee Hills, Hyderabad, pending disposal of the main writ petition.

I.A. NO: 1 OF 2010(WPMP. NO: 10659 OF 2010)

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 respondents to release the occupancy certificate and mortgage created over my premises bearing No. 8-2-293/82/JIII/Plot 163, Jubilee Hills, Hyderabad without insisting on payment of vacant land tax on the said premises.

Counsel for the Petitioner: SRI T.BALA MOHAN REDDY
Counsel for the Respondents: SRI MIDDE ARUN KUMAR, SC FOR GHMC

The Court made the following: ORDER

HON'BLE SRI JUSTICE K. LAKSHMAN

WRIT PETITION No.2655 of 2009

ORDER:

Heard learned counsel for the petitioner and Sri Midde Arun Kumar, learned Standing counsel appearing for respondent Nos.2 and 3.

2. This writ petition is filed to declare the levy of open land tax for the year 2007-2008, 2008-2009 and penalty contained in the impugned notice bearing No.1281/2008-2009 dated 01.01.2009 as illegal.

3. *Vide* the aforesaid notice dated 01.01.2009, respondent No.2 demanded an amount of Rs.53,400/- towards arrears up to January 2009 and current demand for the year 2008-2009, an amount of Rs.24,030/- towards penalty up to January, 2009. Vide order dated 12.12.2009, this Court granted interim suspension of the said order on condition of petitioner depositing one-half of the amount demanded by respondent No.2 on or before 31.03.2009. According to petitioner, he has paid the entire amount and he has filed property tax receipts along with memo *vide* USR No.125475 of 2024 dated 17.12.2024.

4. In the light of the same, this Court directed Sri Midde Arun Kumar, learned Standing counsel for respondent Nos.2 and 3 to get instructions and on instructions he would submit that petitioner has no due to the respondents including arrears of property tax.

5. At this stage, Sri T. Bala Mohan Reddy, learned counsel appearing for the petitioner, on instructions would submit that in the Encumbrance Certificate, it is mentioned that "subject to result of the writ petition". Petitioner will submit an application to respondent No.2/Deputy Commissioner with a request to delete the same and a direction may be given to him to consider the same.

6. In the light of the said submission, more particularly, the submission made by learned Standing counsel appearing for respondent Nos.1 and 2 that petitioner has no due of property tax as on today to the respondent Corporation, this writ petition is disposed of granting liberty to the petitioner to submit representation to the respondent No.2 with a request to delete "subject to result of the writ petition" in the Encumbrance Certificate within ten (10) days from the date of receipt of copy of this order and on receipt of said representation, respondent No.2

shall consider the same and dispose it of within four (04) weeks thereafter. There shall be no order as to costs.

As a sequel, the miscellaneous petitions, if any, pending in the Writ Petition shall stand closed.

SD/- K.AMMAJI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The Commissioner, Greater Hyderabad Municipal Corporation, having its Office at Tankbund Road, Hyderabad.
2. The Deputy Commissioner, Circle No. 10, The Greater Hyderabad Municipal Corporation, Hyderabad.
3. One CC to SRI T.BALA MOHAN REDDY, Advocate [OPUC]
4. One CC to SRI MIDDE ARUN KUMAR, SC FOR GHMC [OPUC]
5. Two CD Copies

PSK.
PSK

HIGH COURT

DATED:18/12/2024

ORDER

WP.No.2655 of 2009



DISPOSING OF THE WRIT PETITION WITHOUT COSTS

PA
To 12/25
7 Copies