

THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE

AND

THE HON'BLE SRI JUSTICE J.SREENIVAS RAO

Writ Petition No.9720 of 2013

ORDER: *(Per the Hon'ble the Chief Justice Alok Aradhe)*

Mr. Akarsh S.V., learned counsel represents Mr. Avinash Desai, learned Senior Counsel for the petitioner.

Mr. Praveen Kumar Veerjala, learned Standing Counsel for Greater Hyderabad Municipal Corporation (GHMC) appears for respondents No.2 and 3.

2. In this writ petition, the petitioner *inter alia* has assailed the validity of the order dated 07.03.2013, passed by the Deputy Commissioner, GHMC, Circle No.5 (respondent No.3), by which the property tax levied on the petitioner has been increased from Rs.2,62,440/- to Rs.7,04,355/- per year.

3. In order to appreciate the challenge of the petitioner to the impugned order, relevant facts need mention. Petitioner- Chowmohalla Palace Trust is a trust constituted under a registered instrument. Chowmohalla Palace bears municipal Nos.20-4-211 to 255 and is situated in Quilwath, Hyderabad (hereinafter referred to as 'the Palace'). The Palace is more than 250 years old and has been recognised as a heritage site by the United Nations Educational, Scientific and Cultural Organization (UNESCO).

4. The Palace is, admittedly, situated within the limits of GHMC and the property owned by it is subject to levy of property tax. In the year 2012-2013, annual property tax @ Rs.2,62,440/- was levied on the property held by the Palace. The GHMC issued a notice dated 05.12.2012, by which the Administrative Officer of the Palace was

asked to participate in a hearing, which was scheduled to be held on 12.12.2012. After affording an opportunity of hearing to him, a notice of demand dated 16.01.2013 was issued demanding a total sum of Rs.28,33,251/- towards property tax as on January, 2013. Thereafter, the impugned order dated 07.03.2013 was passed by the Deputy Commissioner, GHMC, by which the annual property tax on the properties of the Palace was enhanced from Rs.2,62,440/- to Rs.7,04,355/-. Challenging the aforesaid order dated 07.03.2013, the present writ petition has been filed.

5. A Division Bench of this Court, while entertaining the writ petition, has granted an interim order on 02.04.2013, by which the respondents were restrained from taking any action subject to payment of the admitted

property tax by the petitioner *i.e.*, Rs.2,62,440/- per annum.

6. Learned counsel for the petitioner, while inviting the attention of this Court to the impugned order dated 07.03.2013, submitted that the order does not contain any reason.

7. On the other hand, learned Standing Counsel for respondents No.2 and 3 has pointed out that petitioner has an alternative efficacious remedy of appeal under Section 282 of the GHMC Act, 1955.

8. We have considered the submissions made on both sides and have perused the record.

9. Ordinarily, we would have relegated the petitioner to avail of the alternative remedy. However, in the peculiar facts and circumstances of the case, the remedy of appeal

is not an efficacious remedy as the impugned order is bereft of any reasons and a person aggrieved is required to be apprised of the grounds on which the order was passed against him. In the instant case, in case the petitioner is relegated to the alternative remedy of appeal, the remedy of appeal would not be effective as no grounds have been furnished on the basis of which the order has been passed against the petitioner.

10. It is trite law that even a quasi-judicial authority is required to assign reasons for passing the order. In view of the decision laid down by the Supreme Court in **Victoria Memorial Hall v. Howrah Ganatantrik Nagrik Samity**¹, reasons were held to be the heartbeat of every conclusion, apart from being an essential feature of the principles of natural justice that ensure transparency and fairness in the decision making process (See **Maya**

¹ (2010) 3 SCC 732

Devi v. Raj Kumari Batra², Sant Lal Gupta v. Modern Coop. Group Housing Society Ltd.³, Union of India v. Talwinder Singh⁴ and Union of India v. Ravinder Kumar⁵).

11. In view of the above, the impugned order dated 07.03.2013 is bereft of any reason and therefore, the same is set aside. The competent authority of GHMC is granted liberty to pass a fresh order by assigning reasons within a period of four weeks from the date of receipt of a copy of the order passed today.

12. Till a decision is taken by the competent authority of GHMC, interim order dated 02.04.2013 granted by the Division Bench of this Court shall continue.

² (2010) 9 SCC 486

³ (2010) 13 SCC 336

⁴ (2012) 5 SCC 480

⁵ (2015) 12 SCC 291

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13. It is made clear that this Court has not expressed any opinion with regard to the merits of the case.

14. Accordingly, the Writ Petition is disposed of. No costs.

As a sequel, miscellaneous petitions, pending if any, stand closed.

ALOK ARADHE, CJ

J.SREENIVAS RAO, J

Date: 03.09.2024
LUR