

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

WEDNESDAY, THE TWENTY FIRST DAY OF AUGUST
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE THE CHIEF JUSTICE ALOK ARADHE
AND
THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

WRIT PETITION NO: 18724 OF 2010

Between:

1. Durga Nusery at Nagole, Rep.by its Narendra Singh S/o.B.N Singh,age(45) Years,OCC.Business 18-8-278/2/17, Rakshapuram Colony, Kamchambagh,Hyderabad
2. Shriya Nursety at Tattiannaram, Rep.by G.Sridhar,S/o.Late G.V.Chary, Business Plot NO 46,R.N Colony Uppal,R.R District
3. Srisiddi Nursery at Uppal, Rep.by its G.Srinivas,S/o.G.Phanidranath Business Plot NO .46,Ganesh Mansion, Srinivas Nagar,Secunderabad
4. Nikitha Nursery at Nagole, Rep.by S.Ravinder,S/o.S.Seethiya Business Road No,3 Sai Nagar,Nagole
5. Little Natures Nursery at Alwal, Rep.by its Suresh Jhawar, S/o.Late K.L Jhawar Business Flat NO.2A,Laxmi Apartment West Marredpally, Secunderabad

...PETITIONERS

AND

1. The Chief Executive Officer, Secunderabad Cantonment Board, Secunderabad
2. Mr. P.Upender Reddy, Flat NO.104,Kalivga Enclave Behind MMR Gardens, Old Bowenpally,Secunderabad

...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 issue a writ of Mandamus or any other appropriate writ, order or direction and a) By declaring the action of the respondents in collecting Octroi and toll tax from the lorries carrying plant by the petitioners cantory to Gazette Notification dt 19-2-1974 in SRO 80 as illegal, arbitrary, improper and unconstitutional b) To direct the respondent NO.2 to collect the Octroi and toll tax

as per Gazette Notification dt 19-2-1974 in SRO 80. C) To direct the respondent No. 1 to terminate the lease deed of respondent No.2 for open violating the same.

I.A. NO: 2 OF 2010(WPMP. NO: 23685 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 direct the respondents NO.2 not to collect Octroi and toll tax from the petitioners contrary to Gazettee Notification dt;19-2-1974 in SRO. 80.

Counsel for the Petitioner : SRI L.RAM SINGH, rep., SRI WASIM AHMED KHAN

Counsel for the Respondent No.2 : SRI DEEPAK BHATTACHARJEE

**Counsel for the Respondent No.1 : SRI K.R KOTESWERA RAO,
(SR SC FOR CANTONMENT)**

The Court made the following: ORDER

THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE

AND

THE HON'BLE SRI JUSTICE J.SREENIVAS RAO

WRIT PETITION No.18724 of 2010

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

Mr. L.Ram Singh, learned counsel representing
Mr. Wasim Ahmed Khan, learned counsel for the petitioners.

2. Learned counsel for the petitioners submits that the
cause in the writ petition does not survive for consideration.

3. The aforesaid submission is placed on record.

4. Accordingly, the Writ Petition is dismissed as
infructuous.

Miscellaneous applications pending, if any, shall stand
closed. There shall be no order as to costs.

SD/- N. CHANDRA SEKHAR RAO
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

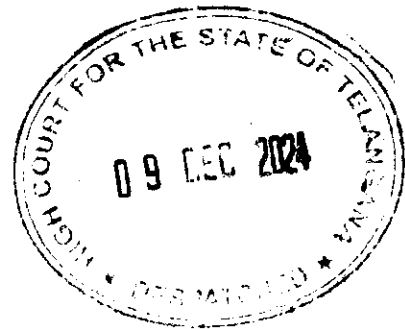
1. One CC to SRI WASIM AHMED KHAN, Advocate. [OPUC]
2. One CC to SRI DEEPAK BHATTACHARJEE, Advocate. [OPUC]
3. One CC to SRI K.R KOTESWERA RAO, (SR SC FOR CANTONMENT)
[OPUC]
4. Two CD Copies.

BSK
GJP

Kg

HIGH COURT

DATED:21/08/2024



ORDER

WP.No.18724 of 2010

**DISMISSING THE WRIT PETITION
AS INFRACTUOUS
WITHOUT COSTS**

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30/10/24