

Court No. - 3

Case :- WRIT - C No. - 9188 of 2023

Petitioner :- Arun Kumar Singh And 13 Others

Respondent :- Union Of India Thru. Deputy Railway 4 Others

Counsel for Petitioner :- Daya Shankar Yadav

Counsel for Respondent :- A.S.G.I., Namit Sharma

Hon'ble Vivek Chaudhary, J.

Hon'ble Manish Kumar, J.

Heard Shri Daya Shankar Yadav, learned counsel for the petitioner, Shri Anil Kumar Mishra, learned counsel for respondent Nos.1 to 3, Shri Surendra Singh, learned counsel for respondent Nos.4 and 5 and learned Standing Counsel for respondent No.6.

The petitioners have approached this Court challenging the undated notices/orders August, 2023, whereby the demand of increased house tax has been assessed w.e.f. year 2010.

Learned counsel for the petitioners states that no opportunity of hearing was given to the petitioners before assessing the house tax w.e.f. year 2010 as well as amount.

Learned counsel for the Nagar Nigam also protests that the petitioners may file their representations, which shall be considered and decided.

In the given circumstances, it is provided that the petitioners may submit their replies to the demand letter dated August, 2023 before the Zonal Officer, Zone-1, Municipal Corporation, Lucknow within a period of two weeks from today along with all the documents in support of their replies. If such replies are submitted, respondent No.5-Zonal Officer, Zone-1, Municipal Corporation, Lucknow shall pass a reasoned and speaking order after giving opportunity of hearing to the petitioners both in regard to the date from which the house tax is liable to pay as well as the assessment of amount given, which is liable to pay. Such an order shall be passed by respondent No.5 be within a period of four weeks after submitting the replies by the petitioners. Any demand against the petitioners shall be subject to such a final order passed by the respondent No.5.

With the aforesaid directions, the writ petition is disposed of.

(Manish Kumar,J.) (Vivek Chaudhary,J.)

Order Date :- 28.10.2023

Ashutosh Pandey