

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15192 of 2014

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The Temple of Haniman, Homeopathic Medical College and Hospital,
Munger, through its Principal, Dr. Saryug Kumar, S/o Late Narayan Prasad,
R/o Bhagat Singh Chouk, P.S.- Kotwali, District- Munger.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Urban Development Bihar, Patna.
2. The Municipal Corporation of Munger through Municipal Commissioner -cum- Chief Executive Officer, Munger.
3. The Empowered Standing Committee, Municipal Corporation, Munger.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. S.M. Shabbir Alam

For the Respondent/s : Mr. Anil Kumar, GP-23

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 23-11-2015

Heard the parties.

The petitioner questions the demand notice raised by the Town Commissioner, Municipal Corporation, Munger dated 9.1.2014 impugned at Annexure-6 to the writ petition, inter alia, on grounds that the rates have been unilaterally enhanced without any guidelines.

The petitioner may be aggrieved by the enhancement for whatsoever reason but then a statutory remedy is available to him under section 141 of the Bihar Municipal Act, 2007 (hereinafter referred to as 'the Act') seeking a review thereof and the petitioner, if so advised, can well take recourse thereto. However without exhausting the remedies so available to the

petitioner under 'the Act' that the present writ petition has been filed which is accordingly disposed of leaving it open for the petitioner to first exhaust the statutory remedies so available to him.

Should the petitioner file any such review application within six weeks from today before the Town Commissioner, Municipal Corporation, Munger, the same would be considered and disposed of in accordance with law and after giving opportunity of hearing to the petitioner by a speaking order. However, if the petitioner fails to avail of such remedy then the Commissioner would be at liberty to take all possible steps for recovery of the dues.

This writ petition is disposed of accordingly.

(Jyoti Saran, J)

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