IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3797 of 2015

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Md. ISRAIL, son of Late Md. Salim Sah, resident of mohalla- Sufiagarhi, P.O.- Sabour,P.S.- Sabour, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar, through the Chief Secretary Government of Bihar at Patna.
2. The Chief Secretary Government of Bihar, at Patna.
3. The Principal Secretary, Urban Development Department, Government of Bihar, at Patna.
4. The Bhagalpur Municipal Corporation, Bhagalpur through its Executive Officer, Bhagalpur.
5. The Municipal Commissioner, Bhagalpur Municipal Corporation, Bhagalpur.
6. The Executive Officer, Bhagalpur Municipal Corporation, Bhagalpur.
7. The Divisional Commissioner, Bhagalpur.
8. The Joint Commissioner -cum- Secretary, Regional Transport Authority, Bhagalpur.
9. The District Magistrate, Bhagalpur.
10. The Sub-Divisional Officer, Sadar, Bhagalpur.
11. The Senior Superintendent of Police, Bhagalpur.
12. The Dy. S.P (City), Bhagalpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Diwakar Upadhyaya, Advocate
For the Respondent/s : Mr. Anjani Kumar, AAG-6

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CORAM: HONOURABLE THE CHIEF JUSTICE
And
HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)
Date: 06-04-2015

This writ petition is filed, by way of public interest litigation, challenging the action of the Bhagalpur Municipal Corporation in levying the parking fee and toll tax on the Auto-rickshaws.

Heard Sri Diwakar Upadhaya, learned counsel for the petitioner and Sri Anjani Kumar, learned counsel for the respondents.

It is true that the petitioner has raised several contentions and placed some supporting materials to the effect that the Bhagalpur Municipal Corporation is levying the fee in one form or the other on the Auto-rickshaws. However, this Court would be in a position to examine the legality or otherwise of such a levy, if only the aggrieved person approaches this Court. Though this Court can be a forum to examine the questions of general importance, the matters pertaining to levy of fee or tax cannot constitute the subject matter thereof. Not only the legality of the provision of law, but also the acceptability or otherwise of the levy by the person, who is supposed to pay, needs to be examined.

We do not find any basis to entertain the writ petition. Accordingly, the writ petition is dismissed.

Interlocutory applications, if any, shall stand disposed of. There shall be no order as to costs.

(L. Narasimha Reddy, CJ)

(Ashwani Kumar Singh, J)

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