

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13770 of 2015

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1. M/s Mangal Bazar Vyaparik Varg Samiti, Katihar through its President Kamla Prasad Bhagat, S/o Late Hira Lal Bhagat, Anathalaya Road, Katihar, P.O. & P.S. Katihar, District-Katihar
 2. Misbahul Haque, S/o Late Zafirul Haque, resident of Koolipara, Station Road Katihar, P.O. & P.S. Katihar, District-Katihar
Secretary, M/s Mangal Bazar Vyaparik Varg Samiti, Katihar
- Petitioner/s

Versus

1. The State of Bihar
 2. The Secretary, Department of Revenue, Bihar, Patna
 3. The District Collector, Katihar
 4. The Additional Collector, District-Katihar
 5. The Municipal Commissioner, Nagar Nigam, Katihar, P.S. Katihar, District-Katihar
 6. The Sub-Divisional Officer, Katihar, P.S. Katihar, District-Katihar
- Respondent/s
- =====

Appearance:

For the Petitioner/s : Mr. Sushanta Kumar Das, Advocate
For the Respondent/s : Mr. Abbas Haidar, SC-16

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 03-09-2015 Heard Mr. Sushanta Kumar Das for the petitioner and learned counsel for the State.

The petitioners are aggrieved by the order dated 11.7.2014 passed by the Municipal Commissioner, Katihar Municipal Corporation, Katihar whereby the Commissioner has fixed a monthly rent in respect of the shop allotted to the petitioners at Rs. 5 per square feet.

Mr. Das learned counsel appearing for the petitioner with reference to an order passed by this Court in CWJC No. 5676 of 2007 has submitted that the petitioner had once earlier moved



this Court against an arbitrary fixation of rent at Rs. 3.50 per square feet and this Court upon considering all the contentions raised, disposed of the writ petition vide order passed on 22.11.2013 directing the Municipal Corporation to consider the grievance of the petitioner and re-fix the rent in accordance with law but after due opportunity of hearing to the petitioners. It is submitted that the petitioners filed a representation before the Municipal Commissioner and when the order impugned has been passed on 11.7.2014 enhancing the monthly rent of the shop at the rate of Rs. 5 per square feet. Mr. Das with reference to an application filed by the petitioner before the Municipal Commissioner under Section 141 of the Bihar Municipal Act (hereinafter referred to as 'the Act') has submitted that the petitioner has filed an application for review of the assessment as back as on 05.6.2014 but the same has remained pending and has not been disposed of.

Having heard learned counsel for the parties and considering that the petitioner has already preferred a statutory remedy so available to him under Section 141 of 'the Act' by filing a review application with a request to the Municipal commissioner for consideration of the rent fixed in the backdrop of the issue so raised, this writ petition is disposed of with a

direction to the Municipal Commissioner, Katihar Municipal Corporation, Katihar to consider and dispose of the review application so filed by the petitioner, a copy of which is placed at Annexure-15 to the writ petition in accordance with law and after giving opportunity of hearing to the petitioner expeditiously and preferably within three months from the date of receipt / production of a copy of this order. The petitioner shall be at liberty to raise all issues as raised herein.

S.Sb/-

(Jyoti Saran, J)

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