

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11771 of 2015

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1. Farida Khatoon, wife of Dr. Abu Umar Malik.
 2. Lutful Haque, son of late Mojammit Haque.
 3. Md. Younus, son of Md. Sharif.

All are residents of Ward No.33, Islam Nagar, Bhikanpur, Police Station- Ishakchak, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Department of Urban Development, Govt. of Bihar, Patna.
3. The Town Commissioner, Bhagalpur Municipal Corporation, Bhagalpur.
4. The Chief Executive Officer, Bhagalpur Municipal Corporation, Bhagalpur.
5. The Administrator, Bhagalpur Municipal Corporation, Bhagalpur.
6. The Tax Collector, Bhagalpur Municipal Corporation, Bhagalpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Firoz Raza

For the Respondent/s : Mr. Nasim Yahya, GP-13

For the Corporation : Mr. Swapnnil Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 05-08-2015

Heard Mr. Firoz Raza, learned counsel appearing on behalf of the petitioners, learned counsel for the State and Mr. Swapnil Kumar Singh, learned counsel appearing for the Bhagalpur Municipal Corporation.

The petitioners pray for appropriate direction to the Municipal Commissioner, Bhagalpur Municipal Corporation for appropriate fixation of holding tax as according to the petitioner, the tax has been fixed at enhanced rate arbitrarily.

According to Mr. Firoz Raza, learned counsel appearing for the petitioners, since the house of the petitioners is not abutting the main road hence the rates so determined, would

not be applicable to the petitioners.

Although a representation has been filed by the petitioners drawing the attention of the Municipal Commissioner, Municipal Corporation, Bhagalpur towards such enhancement, a copy of which is placed at Annexure-4 to the writ petition but in view of the statutory provisions underlying section 141 of the Bihar Municipal Act, 2007 (hereinafter referred to as 'the Act') affording liberty to a person who is dissatisfied with the amount assessed to raise the dispute before the Chief Municipal Officer, the writ petition is disposed of with the liberty to the petitioners to exhaust such remedy so available to them under 'the Act' by filing an appropriate application with complete details and it goes without saying that any such application being filed by the petitioners within two weeks from today would be considered and disposed of by the Municipal Commissioner, Municipal Corporation, Bhagalpur in accordance with law and after giving opportunity of hearing to the petitioners expeditiously and preferably within a period of four weeks thereafter.

The writ petition is disposed of accordingly.

(Jyoti Saran, J)

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