

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9385 of 2015

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Imran Khan, son of Abdul Hameed Khan, Resident of Mohalla- Purani Gudri Ward
No.10, P.S.- Bettiah Town, District- West Champaran. Petitioner

Versus

1. The State of Bihar, through the Chief Secretary Department of Urban and Housing Development, Govt. of Bihar, Patna.
 2. The District Magistrate, Bettiah, West Champaran.
 3. The Executive Officer, Bettiah Municipal Council, Bettiah, West Champaran.
- Respondents
- =====

Appearance :

For the Petitioner/s : Mr.

Mr. Ashok Kumar Gupta

For the Respondent/s : Mr. Gyan Prakash Ojha, GP 22

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH

ORAL JUDGMENT

Date: 27-07-2015

Heard learned counsel for the petitioner, Executive Officer, Bettiah and the State.

2. The petitioner is aggrieved by letter no. 175 dated 15.04.2014, issued by the Executive Officer, Nagar Parishad, Bettiah, whereby the rates of parking fees notified by office order as contained in letter no. 239 dated 31.03.2015 was reduced in respect of three categories of vehicles.

3. The Executive Officer, Nagar Parishad, Bettiah issued a press notice dated 21.03.2015 inviting applications to participate in the bid scheduled to be held on 30.03.2015 and 31.03.2015 for Bus /Taxi /Tempo stand situated under Bettiah Nagar Parishad (Annexure-1).

4. The petitioner made a bid for New Harivatika Bus stand,

Bettiah. The reserve Jama for the Bus stand was Rs.81,67,914/-. The petitioner being the highest bidder with an offer of Rs.83,00,000/- was awarded settlement of the Bus stand for the financial year 2015-16. After receiving the bid amount, the respondent Nagar Parishad executed an agreement on the same day i.e. 31.03.2015 (Annexure-4). After completion of agreement, work order was issued vide Memo no. 239 dated 31.03.2015 fixing the following rates for collection of parking fees from different categories of vehicles, which are as follows:

(i) Bus	Rs.80/- Daily,
(ii) Mini Bus	Rs. 50/- Daily,
(iii) Jeep, Taxi, Maxi, Tata ACE, Magic	Rs.45/- Daily
(iv) Tempo (Four Wheeler)	Rs. 35/- Daily
(v) Tempo (Three Wheeler)	Rs. 20/- Daily.

5. The petitioner is aggrieved by subsequent letter no. 369 dated 16.05.2015, issued by the Nagar Parishad, Bettiah whereby the parking fees to be collected vis-à-vis from 1st three categories of vehicles were reduced as per letter dated 16.05.2015. The maximum parking fees now to be collected from the (i) Bus was reduced to Rs.60/-, in place of Rs.80/-per day, (ii) Mini Bus was reduced to Rs.40/- from Rs. 50/- per day, (iii) Jeep, Taxi, Maxi, Tata ACE, Magic was reduced to Rs.35/- from Rs.45/- per day However, the rates for two other types of vehicles, namely, Tempo (four wheeler),

Jhajhamail and Tempo (three wheeler) were unaltered.

6. The petitioner submits that once the rates have been specified vide letter no. 239 dated 31.03.2015, the same cannot be altered to the disadvantage of the persons in whose favour the Bus stand has been settled for collecting parking fees, as has been done by letter dated 16.05.2015.

7. Counsel for the respondents submits that the rate mentioned in letter dated 16.05.2015 was the rate fixed for the previous year 2014-15. The bid amount offered by the petitioner in fact was lower than the amount offered in the previous year for the same Bus strand. The vehicle owners had made a protest before the Collector, Kaimur at Bhabhua with respect to enhancement of parking fees, who forwarded their grievances to the Nagar Parishad. The Nagar Parishad after due consideration reduced the rates of parking fees of three categories of vehicles vide letter dated 16.05.2015.

8. I broadly agree with the submissions of the petitioner if the rates mentioned in letter no. 31.03.2015 was specified prior to agreement or if the same was part of the agreement, then in that case the petitioner would have a case and the Nagar Parishad would proportionately consider reducing the bid amount on pro-rata basis and refund the excess amount so collected. The decision to the

aforesaid effect must be taken within a period of four weeks from the date of receipt of a copy of this order.

9. In the meantime, the petitioner would continue to collect the parking fees at the rate mentioned in letter no. 15.04.2014 as contained Annexure-7.

10. This writ application stands disposed of.

(Samarendra Pratap Singh, J.)

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