

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

Date of decision:31.07.2015.

Raj Kumar

.....Petitioner

v.

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE JASWANT SINGH

Present:- Mr. Deepak Gupta, Advocate for the petitioner

Jaswant Singh,J.(Oral)

It is submitted that the area comprising the residence of the petitioner situated in a portion of Village Jugiana, Tehsil Khanna, District Ludhiana was concededly never included in the Municipal Corporation, Ludhiana. To say so reliance has been placed on para 6 of the writ petition bearing CWP No.10432/1997 (P-1) and the corresponding reply of the Municipal Corporation, Ludhiana (P-2) and the order (P-3) passed by this Court.

Grievance of the petitioner is that officials of the Municipal Corporation are proceeding to seal the premises for non-payment of an illegal demand of Rs.2,55,312/- as arrears of house tax payable w.e.f. 1994-1995 till 2011 as indicated in the demand notice dated 16.2.2013 (P-5).

It is submitted that firstly no house tax is leviable and

secondly in the light of provisions of Section 138 of the Punjab Municipal Corporation Act, 1976 for recovery of any outstanding dues of house tax the premises cannot be sealed.

After hearing the learned counsel this Court is not inclined to interfere in exercise of writ jurisdiction in the light of demand vide Annexure P-5 already being subject matter of a civil suit filed by the present petitioner. Since all subsequent actions are based on such demand the proper remedy for the petitioner is to file a proper application in the pending suit itself.

At this stage, learned counsel on instructions from the petitioner, who is present in Court, seeks permission to withdraw the writ petition with liberty to seek his remedy in accordance with law.

Dismissed as withdrawn with liberty aforesaid.

31.07.2015.
joshi

(Jaswant Singh)
Judge