

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No 2961 of 1995

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1 Smt Vijay Lakshmi Kumar
2 Vivekanand Kumar
3 Sarojanand Kumar
4 Yashodanand Kumar, residents of Village + PO – Putali, PS – Manigachi,
District – Darbhanga at present residing at Mohalla – Boring Road, PS – Budha
Colony, District - Patna

.... Petitioner/s

Versus

- (1) Shasibhushan Sharma, Chief Executive Officer, Patna Municipal Corporation,
Budha Mark, PS – Kotwali, District & Town – Patna
(2) Rajendra Prasad, son of Sukhdeo Prasad, Assistant Administrator, Patna
Municipal Corporation, resident of Mohalla – Jaiprakash Nagar, PS –
Shastrinagar, District k- Patna
(3) Umacharan Singh, son of late Ram Anugrah Singh, Assistant in the office of
Patna Municipal Corporation, resident of Mohalla – Mahatpur, PS – Didarganj,
District – Patna
(4) Sumitra Yadav, wife of Sri Ramasharay Prasad Yadav, resident of Mohalla –
Shivpuri, PS – Krishnapuri, District - Patna
(5) Baidyanath Chaudhary, son of late Ram Dayal Chaudhary, resident of Mohalla
– Tripoliya, PS – Alam Ganj, District – Patna
(6) Rekha Devi, wife of Sri Baidyanath Chaudhary, resident of Mohalla –
Tripoliya, PS – Alamganj, District - Patna

.... Respondent/s

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For the Petitioner/s : M/s Purushottam Jha & Vikash Kr Jha, Advocates

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CORAM: HON'BLE MR JUSTICE NAVANITI PRASAD SINGH

And

HON'BLE JUSTICE SMT NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR JUSTICE NAVANITI PRASAD SINGH)

Date: 31-08-2016

The present application for initiating contempt proceedings arose out of an interim order of stay passed on 09.09.1985 in CWJC No 4045 of 1985 (*Ramananda Kumar –Versus- Chief Executive Officer, Patna Municipal Corporation & Others*).

2 It appears that the writ petition was filed challenging



orders passed by the revisional authority under the Patna Municipal Corporation Act by which mutations were ordered in respect of disputed property. By order dated 09.09.1985 in the writ petition, this Court granted stay of the revisional order. It appears, notwithstanding the stay, the municipal authorities continued to grant municipal tax receipts to the parties who were ordered to be mutated, which order was under challenge, and had been stayed. This occasioned the filing of application for initiating contempt proceedings.

3 In these contempt proceedings, a show cause has been filed by the Administrator of the Corporation then admitting that from 1988 upto almost 1996, municipal tax receipts were wrongly granted by the Tax Karamchari ignoring the order of stay.

4 We would have considered taking appropriate action but the matter is now over two decades late and no useful purpose would be served especially in view of the facts herein noted.

5 Relevant to note that the said writ petition being CWJC No 4045 of 1985 was finally heard and allowed by Division Bench of this Court by judgment and order dated 03.03.2015 wherein the revisional order passed by the Chief Executive Officer dated 19.08.1985 has been set aside by the High Court. The High Court also held that where there is dispute between the parties with regard to mutation, the municipal authorities would have no jurisdiction to

adjudicate the matter with regard to rights of parties.

6 In our view, this judgment and order effectively nullifies all the tax receipts as granted by the Municipal Corporation pursuant to orders of the Chief Executive Officer which order has already been set aside.

7 In view of the aforesaid, this MJC application stands disposed of.

(Navaniti Prasad Singh, J)

M.E.H./-

(Nilu Agrawal, J)

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