

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13162 of 2013

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1. Bata India Ltd., Bataganj, Patna, Bihar, Represented through Mr. Pankaj Kumar Verma S/O Surendra Prasad Verma Branch Manager, Bata India Limited, Frazer Road, Patna, Bihar.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Urban Development and Housing, Government of Bihar, Patna, Secretariat, Patna.
2. Patna Municipal Corporation through the Municipal Commissioner, Patna.
3. Executive Officer, Nagar Parishad, Danapur, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Avanish Kumar Singh, Adv.

For the Respondent/s : Mr. Parth Sharthi, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

3 09-03-2016 None appears on behalf of the petitioner.

Learned counsel for the State and Mr. Azad Shatru, learned counsel for the Nagar Parishad, Danapur are present.

In absence of learned counsel for the petitioner I have perused the records and I have heard learned counsel for the respondents.

The petitioner is aggrieved by the assessment order dated 30.9.2007 passed by the respondent Executive Officer of the Nagar Parishad, Danapur impugned at Annexure-2 whereby the municipal tax payable by the petitioner has been determined at Rs. 504526.65 per annum. The petitioner has also questioned the demand notice dated 27.8.2012 impugned at Annexure-7.

While it is the argument of learned counsel for the municipality that there is no infirmity in the order of assessment, the materials on record reflect that an objection so raised by the petitioner on 5.2.2008 present at Annexure-3 to the assessment order dated 30.9.2007 impugned at Annexure-2, was rejected vide order bearing No. 1829 dated 5.11.2011 present at Annexure-5. It is because the petitioner did not choose to comply with the directions of the Executive Officer as contained in Annexures-2 and 5 that the demand notice is issued.

Having considered the submission of learned counsel for the respondents and considering that the objections raised by the petitioner has since been rejected to confirm the demand as well taking into consideration the provision of Section 143 of the Bihar Municipal Act, 2007 which provides for a forum of appeal against a disposal of objection, I am not persuaded to grant indulgence to the grievance raised. The writ petition is disposed of. The petitioner if so advised may take recourse to the statutory remedy so available to him.

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(Jyoti Saran, J)