

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6593 of 2017

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Rajendra Singh, Son of late Ramdev Singh, Resident of 15, Mother Teresa Marg,
North Sri Krishna Puri, District- Patna.

.... Petitioner

Versus

1. Danapur Cantonment Board through its Chief Executive Officer.
2. The Chief Executive Officer, Danapur Cantonment Board.
3. The State of Bihar through the Chief Secretary, Bihar at Patna
4. The Collector, Patna.
5. The Deputy Superintendent of Police, Danapur.
6. The Sub Divisional Officer, Danapur.

.... Respondents

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Appearance :

For the Petitioner : Mr. Syed Ashfaq Ahmad, Adv.
For the Cantonment Board : Mr. A. Nath Verma, Adv.
For the State : Mr. Sunil Kumar Mandal, S.C.-3
Mrs. Neelam KUMari, A.C. to S.C.-3
Mr. Arjun Kumar, A.C. to S.C.-3

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 08-09-2017

Heard learned counsel appearing for the respective
parties.

2. In this case, the petitioner is challenging the order dated 25.04.2017 passed by the Chief Executive Officer, Danapur Cantonment Board, whereby the petitioner was prevented to collect the vehicle entry fee from the vehicles entering into the Cantonment area. This order was issued on the basis of the letter of the District Magistrate, Patna vide memo no.4566 dated 25.04.2017, addressed



to the Chief Executive Officer, Danapur Cantonment Board, mentioning that collection of vehicle entry fee appears to be illegal.

3. The Cantonment Board had issued a tender notice in daily Hindustan Paper (Hindi) and Time of India (English), invited tender form interested persons to participate in the public auction. The petitioner filed e-tender, after completion of the entire process, he was selected as an agent to collect the vehicle entry fee fixed by the Cantonment Board. The Sub-Divisional Officer, Danapur written a letter to the District Magistrate, Patna, about illegal collection of vehicle entry fee by the Cantonment Board, whereupon the District Magistrate addressed a letter to the Chief Executive Officer, Danapur Cantonment Board, stating therein that the collection of vehicle entry fee appears to be illegal. The matter was referred to the Ministry of Defence by the State Government in view of Section 49(2) of the Cantonment Act, 2006, as the Central Government is the appropriate authority to resolve such type of disputes.

4. The Ministry of Defence after going through the deliberations has informed the Chief Secretary, Government of Bihar, Patna that as per Section 67(e) of the Cantonment Act, 2006 the Cantonment Board is the competent authority to collect the vehicle entry fee, thereby the dispute with respect to State of Bihar



vis-à-vis power of Cantonment Board has been resolved.

5. In such view of the matter, now there is no hurdle to the petitioner to collect the vehicle entry fee as per the rate prescribed by the Cantonment Board during the period of contract. It is made clear that the State or its authority or agent will not create any hurdle to the Cantonment Board or the person appointed as an agent in collecting the amount of vehicle entry fee.

6. From the record, it appears that for about 4 months the petitioner was deprived to collect the vehicle entry fee. Hence, this court directs the Cantonment Board to compensation the petitioner by extending the period of contract for further four months.

7. With the aforesaid observations and directions, this writ application is allowed.

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A.
Uploading Date	13.09.2017
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