

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6138 of 2016

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1. Rustam Kumar Srivastava Son of Sri Goppal Krishna Srivastava resident of Village-Baikunthpur, Brahanda, P/s Ujyarpur, District Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Chief Secretary, Government of Bihar, Patna.
3. The Principal Secretary, Arban Development and Housing Development Department, Government of Bihar, Patna.
4. The Divisional Commissioner, Darbhanga Division, Darbhanga.
5. The Joint Commissioner-cum-Secretary, Regional Transport Authority Darbhanga Division , Darbhanga .
6. Then District Magistrate Samastipur.
7. The Superintendent of Police, Samastipur.
8. The Sub Divisional Officer, Samastipur.
9. The Executive Officer, Nagar Parishad, Samastipur.
10. The Chief Councilor, N agar Parishad, Samastipur.
11. The Deputy Chief Councilor Nagar Parishad , Samastipur.
12. Sri Rajiv Ranjan Singh , the Member of Bandobasta Samiti, Nagar Parishad Samastipur.
13. Smt. Meera Gupta , the Member of bandobasta Samiti, Nagar Parishad Samastipur.
14. Smt. Seema Kumari, the member of Bandobasta Samiti Nagar Parishad Samastipur.
15. Smt. Anita Gupta, the Member of Bandobasta Samiti , Nagar Parishad Samastipur.
16. Sri Sujay kumar Guddu, the Member of Bandobasta Samiti Nagar Parishad Samastipur.
17. Sri Sunil Kumar, the Member of Empowered Standing committee, Nagar Parishad Samastipur.
18. Sri Tribhuwan Sah, the Member of Empowered Standing Committee, Nagar Parishad Samastipur.
19. Sri. Rakesh Kumar Raj, the Member of Empowered Standing Committee, Nagar Parishad.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Indu Bhushan

For the Respondent/s : Mr. HARISH KUMAR- GP32

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA

ORAL JUDGMENT

Date: 02-08-2017



Heard the parties.

2. The petitioner entered into an agreement with Nagar Parishad, Samastipur and accordingly, agreement dated 31.03.2015 contained in Annexure-4 was executed permitting the petitioner to collect toll tax of bus stand for the period of one year i.e. from 31.03.2015 to 31.03.2016, at the rate as given in the agreement but subsequently, the Nagar Parishad, Samastipur asked the petitioner to collect toll tax at lesser rate which was prevailing in last financial year. Petitioner expressed his inability to collect toll tax at lesser rate as he had already deposited the huge amount to Nagar Parishad, Samastipur, for collection of toll tax at new rate as fixed by the Nagar Parishad, Samastipur in agreement executed between the parties. It is an admitted position that the petitioner did not collect the toll tax during the period of agreement rather it was Nagar Parishad, Samastipur, who collected the toll tax.

3. However, the petitioner made a representation before the Executive Officer Nagar Parishad, Samastipur for issuance of a new settlement of collection of toll tax in his favour for the period of 2015-16 and also for adjustment of the amount earlier deposited by him. In response to the aforesaid representation, the Executive Officer Nagar Parishad, Samastipur replied to the petitioner that his representation would be considered by the empowered Standing



Committee and after that decision will be taken.

4. Submission on behalf of the petitioner is that the Nagar Parishad, Samastipur not only changed terms of previous agreement toll but also did not take any decision on the prayer of the petitioner till today.

5. On the other hand, learned counsel appearing for the Nagar Parishad, Samastipur refuted the above stated submission arguing that after execution of agreement when the petitioner refused to collect toll tax, the Nagar Parishad, Samastipur collected the toll tax and moreover, Nagar Parishad, Samastipur informed the petitioner that he is at liberty to take his amount back from Nagar Parishad, Samastipur but the petitioner did not turn up and the amount of petitioner is still lying in the Nagar Parishad, Samastipur. He further submitted that no doubt, representation of the petitioner is still pending in Nagar Parishad, Samastipur.

6. It would appear from the above stated submissions as well as materials available on the record that Nagar Parishad, Samastipur changed the rule of game when the game had already started because admittedly, petitioner was asked to take lesser rate after execution of agreement as well as after deposit of bid amount. Moreover, the period for which the settlement was made with the petitioner had already elapsed and the representation of the petitioner



is still lying with the Nagar Parishad, Samastipur and, therefore, in the aforesaid circumstance this petition stands disposed of giving direction to the Executive Officer Nagar Parishad, Samastipur, (respondent no. 9) to ensure the disposal of representation dated 20.02.2016 filed by petitioner within a month from the date of receipt/ production of a copy of this order.

(Hemant Kumar Srivastava, J)

N.K/-

AFR/NAFR	NAFR
CAV DATE	NAFR
Uploading Date	10.8.2017
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