

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.12761 of 2016**

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M/s R. Ventures, Registered Office at Sultanganj, Police Station- Sultanganj, District- Patna, through its Proprietor Shamsheer Alam, Son of Gulam Rabbani, resident of Mohalla- Sultanganj, P.S.- Sultanganj, Town and District- Patna.

.... .... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Urban Development & Housing Department, Secretariat, Patna.
2. The Commissioner, Gaya Municipal Corporation at Gaya.
3. Dhananjay Kumar Sharma, Contractor authorized for collecting rent on behalf of Gaya Municipal Corporation, son of Late Agendra Singh resident of Mohalla- Umata, Police Station- Makhdumpur, District- Jehanabad.
4. Guddu Kumar, Tax Collector of Dhananjay Kumar Sharma (Respondent No.3) Gaya Nagar Nigam, District- Gaya. resident of Mohalla- Umata, Police Station- Makhdumpur, District- Jehanabad.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Ajay Prasad, Adv.

Mr. Ajit Kumar Sinha, Adv.

For the Respondent/s : Mr. Rakesh Ambastha, AC to AAG7

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**CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY**

**ORAL JUDGMENT**

**Date: 31-10-2017**

Heard learned counsel for the petitioner and counsel for the State.

The petitioner is challenging the appointment of the respondent no.3 as an agent for realization of the hoarding tax.

Learned counsel for the petitioner submits that in terms of the judgment passed in L.P.A. No. 1391 of 2012, the Municipality cannot realize the hoarding tax and, as such, the appointment of respondent no.3 itself is illegal.

Since the petitioner has already filed a representation before



the Executive Officer, Gaya Municipality, this Court directs the Executive Officer, Gaya Municipality to look into the matter taking into consideration the judgment passed in aforesaid L.P.A. No. 1391 of 2012 and take a decision in accordance with law within a period of three weeks from the date of receipt/production of a copy of this order.

With the aforementioned observation and direction, this application is disposed of.

**(Shivaji Pandey, J)**

Rishi/-

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| AFR/NAFR          | NAFR       |
| CAV DATE          | NA         |
| Uploading Date    | 07.11.2017 |
| Transmission Date | NA         |

