IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14821 of 2015

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National Howkar Federation through its National Deputy Chairman Irfan Ahmad, Son of Late Amimuddin R/o Mohalla- Navadih Talab P.O.- Aurangabad, P.S.- Aurangabad, District- Aurangabad

.... Petitioner/s

Versus

1. The State of Bihar through its Secretary Urban Development and Housing Department, State of Bihar, Patna
2. The District Magistrate, Aurangabad
3. The Deputy Secretary of Secretary cum Director, Urban Development and Housing Department, State of Bihar, Patna
4. The Chief Counselor Nagar Parishad, Aurangabad
5. The Executive Officer, Nagar Parishad, Aurangabad

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Kumar, Advocate
For the Respondent/s : Mr. Ajay Kumar Sharma, A.C. to PAAG-I
Mr. Surendra Prasad Singh, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)
Date: 18-05-2017

In this writ petition filed in public interest, it is the case of the petitioner that collection of tax from the street vendors is illegal and not permissible under law.

2. Except for contending and by filing two receipts vide Annexure-4 to say that illegally tax is being deducted, neither particulars of the vendor from whom the tax is deducted nor other details with regard to illegality committed is brought on record.

3. On the contrary, the counter affidavit filed by the

respondents goes to show that no such tax is being collected.

4. In view of the dispute raised and the contention of the respondents that no such tax is being collected, in this Public Interest Litigation based on the vague and unspecified allegation made, we are not inclined to interfere. An aggrieved person who is not liable to pay the tax and against whom tax has been collected may take recourse to the remedy available to him and challenge the action. At the instance of the petitioner Association based on the vague and unspecified allegation made, we are not inclined to interfere into the matter particularly in the backdrop of the detailed counter affidavit filed by the respondents refuting the contention of the petitioner.

5. The writ petition is, therefore, dismissed.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

P.K.P.

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	23.05.2017
Transmission Date	