

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17074 of 2016

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Surya Bhushan Patel Son of Late Raghunath Prasad Patel, resident of Village-
Gharighat, P.S.- Mansahi, District- Katihar, President of Progressive Villagers
Association, Block + P.S.- Mansahi, District- Katihar.

.... Petitioner/s

Versus

1. The State of Bihar, through the Chief Secretary Govt. of Bihar, Patna.
2. The Principal Secretary, Urban Development Department, Govt. of Bihar, Patna.
3. The Principal Secretary, Gramin Vikash, Department Govt. of Bihar, Patna.
4. The Commissioner, Purnea Division, Purnea.
5. The D.M Katihar, District- Katihar.
6. The Commissioner, Katihar Nagar Nigam Katihar, District- Katihar.
7. The Commissioner, Katihar Nagar Nigam Katihar, District- Katihar.
8. The Executive Officer, Katihar Nagar Nigam District- Katihar.
9. The Sub-Divisional Officer (S.D.O) Katihar Sadar, District- Katihar.
10. The C.O. Mansahi Block, District- Katihar.
11. The B.D.O. Mansahi Block, District- Katihar.
12. The B.L.O. Mansahi Block, District- Katihar.
13. The B.L.O. Katihar Sadar, District- Katihar.

.... Respondent/s

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Appearance :

For the Petitioner : Mr. Arun Kumar No. 1, Advocate
For the State : Mr. Y.P. Sinha, AAG-7

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 28-04-2017

Inter alia, contending that village Gharighat and Krishna
Nagar Batha are being included in Municipal Corporation, Katihar



and if the same is done, there will be enhancement of house tax, and property tax, which would adversely effect the resident of the village, this writ petition has been filed in Public Interest and a mandamus is sought for restraining the respondents from including these villages in the Municipal Corporation of Katihar.

In the case of **Sundarjas Kanyalal Bhathija & ors. vs. The Collector, Thane, Maharashtra & ors. (AIR 1990 SC 261)**, it has been held by the Supreme Court that inclusion or exclusion of an area within the limits of a municipal area or a panchayat is a legislative function undertaken by the government in exercise of the constitutional power of legislation available to it and a High Court exercising jurisdiction under Article 226 of the Constitution cannot interfere with the aforesaid legislative constitutional function of the State Government.

That being so, the petitioner has to ventilate his grievance before the competent authority of the State Government, who are the legislative authority and it is for this authority to look into the grievance of the petitioner. Merely because inclusion of a particular village in a particular municipal corporation or a municipal area create adverse effect on the right of the petitioner to pay taxes, a Writ Court cannot interfere into the matter in the light of law laid down by the Supreme Court in the case of *Sundarjas Kanyalal*



Bhathija (supra).

Accordingly, finding no ground and granting liberty to the petitioner to take up the issue before the Legislative Authority, the writ petition stands disposed of.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

Narendra/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	06.05.2017
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