

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17210 of 2017

=====

M/s Puja Engineers Pvt. Ltd., a registered company having its office at 72, Vaibhav Apartment, Near Ashok Cinema, Budh Marg, Patna - 800001 through one of its directors namely Sangita Khowala W/o Manoj Kumar Khowala resident of 54, Vaibhav Apartment, Near Ashok Cinema, Budh Marg, Patna - 800001.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Urban Development and Housing, Govt. of Bihar, Patna.
2. The Patna Municipal Corporation through Commissioner, Patna Municipal Corporation, Patna.
3. The Commissioner, Patna Municipal Corporation, Patna.
4. The Executive Officer, Patna City Circle Patna Municipal Corporation, Patna.
5. The Revenue Officer, Patna City Circle, Patna Municipal Corporation, Patna.
6. The Assistant Patna City Circle, Patna Municipal Corporation, Patna.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Gautam Kumar Kejriwal, Adv. Mr. Mohit Agrawal, Adv.
For the Respondent/s	:	Mr. ABBASH HAIDER - - SC-6
For P.M.C.		Mr. Prasoon Sinha, Adv.

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 29-11-2017

Having heard learned counsel for the parties, we find that petitioner has an industrial Unit at holding No.90/214 A Circle No.227, Ward No.72, Didarganj, Patna City dealing in manufacturing and sale of bakery products.

According to the petitioner, the Unit is located in the area since 1984 and after construction of National Highway No.30, the Unit came within the area through which the



National High way in question passes. However, in the year 2012, the National High way passing through the location of the holding land has been discontinued and it no more passes through the holding land of the petitioner. According to the petitioner, in this eventuality, from the assessment year 2011-12, the rate for assessment will change and without taking note of all these aspects of the matter, a slab applicable for a different area through which National High way passes has been adopted for assessing the holding land of the petitioner and demand notice on the basis of the same has been issued to the petitioner and, therefore, the representation was filed seeking re-consideration of the matter and as the re-consideration has not been done, this application has been filed.

Having heard learned counsel for the parties, and on consideration of the facts that have come on record, for the present, without entering into the controversy on merit, respondent No.4, the Executive Officer, Patna City Circle, Patna Municipal Corporation, Patna is directed to consider the representation of the petitioner, if required, hear the petitioner and pass a speaking order with regard to demand made and intimate the petitioner about the decision.

Till the decision is not taken upon the aforesaid



representation, the demand notice shall be kept in abeyance.
Needless to emphasize that if respondent No.4 feels that he is
not competent to deal with the matter, he may forward the same
to the appropriate authority.

The representation along with a copy of this order
be filed by the petitioner before respondent No.4 within 15 days.

With the aforesaid, this application stands disposed
of.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

K.C.Jha/-

U			
---	--	--	--

