NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPT No. 340 of 2017

1. M/s Bhilai Builders Private Limited A Company Registered Under The Relevant Provisions Of The Companies Act. 1956 Having Its Registered Office At B - 2/11, Ravi Bhawan, G. E. Road, Raipur Acting In The Premises Through Its Director Smt. Madhu Jain, Wife Of Shri Gulab Jain, Aged About 58 Years, Resident Of 401, Guru Ghasidas Plaza, Aamapara, Raipur Chhattisgarh.
2. Smt. Madhu Jain W/o Shri Gulab Jain, Aged About 58 Years Director M /s Bhilai Builders Private Limited, B - 2/11, Ravi Bhawan, G. E. Road, Raipur And Resident Of 401, Guru Ghasidas Plaza, Aamapara, Raipur. Civil And Revenue District Raipur Chhattisgarh.

---- Petitioners

Versus

1. The Municipal Corporation Raipur Through Its Commissioner, Near Nalghar Chowk, Raipur,
2. The Zone Commissioner, Zone No. 5, Municipal Corporation, Idgahabhata, Near Pani Tanki, Raipur.

–--Respondents

For Petitioners	:	Mr. B.P. Sharma, Advocate
For Respondents	:	Mr. Pankaj Agrawal, Advocate along with Ms. Prabha Sharma, Advocate

Hon'ble Shri Justice P. Sam Koshy

Order on Board

29/11/2017

1. The issue involved in the instant case raised by the petitioners is that most of the part of the property tax by the respondent No.1 has already been deposited by the present petitioners in the capacity of the land owners and the developers of the buildings, yet the respondents are raising claims against the tenants.

2. According to the counsel for the petitioners, subsequently the corporation now has issued notice to the tenants of the petitioners again raising the demand of property tax for the same property for the same financial years for which the petitioners have already

deposited most of the part of the property tax and therefore issuance of the notice to the tenants is not sustainable.

3. The counsel for the petitioners submits that the petitioners have already made a detailed representations to the respondent No.1 vide their representation dated 22.03.2017, which is pending consideration before the authorities and till date no decision has been passed on the said representation and pending the decision on the said representation, they have now issued the notice of demand (Annex.P/4) to the tenants dated 08.11.2017.

4. Considering the facts and circumstances of the case, this Court is of the opinion that ends of justice would meet if the respondent No.1 takes a decision on the representation so made by the petitioners on 22.03.2017 and the petitioners shall also be at liberty to move a fresh representation taking all theses facts and submissions and also the legal positions as it stand, so far as the demand of notice made to the tenants are concerned. It is expected that the respondents on receipt of this representation or the representation which is already pending shall take a decision promptly preferably within a period of 60 days.

5. Needless to mention that if the grievance of the petitioners is not redressed within the stipulated period, the petitioners shall be at liberty to again avail appropriate remedies under the law.

6. With the aforesaid observation the present writ petition stands disposed off.

Sd/-
(P. Sam Koshy)
Judge

Ved