

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPT No. 5540 of 2010**

Ramesh Kumar Tiwari, S/o. T.B. Tiwari, Aged about 46 years, R/o. Mahamaya Para, Arang, Tahsil Arang, District Raipur, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through- the Secretary, Department Of Urban Administration and Development, D.K.S. Bhawan, Mantralaya, Raipur, District Raipur, Chhattisgarh
2. Nagar Panchayat, Arang, Through its Chief Municipal Officer, Nagar Panchayat, Arang, Tahsil Arang, District Raipur Chhattisgarh
3. Chief Municipal Officer, Nagar Panchayat, Arang, Tahsil Arang, District Raipur, Chhattisgarh

----Respondents**AND****WPT No. 2080 of 2011**

Vishal Trehan, S/o. Ashok Trehan, Aged about 35 years, R/o. MIG-596 Padmanabh, Durg, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through- Secretary, Transport Department, D.K.S. Bhawan, Mantralaya, Raipur, District Raipur, Chhattisgarh
2. Nagar Panchayat Patan, Through Chief Executive Officer, District Durg Chhattisgarh
3. Ghanshyam Dewangan, S/o. Jivrakhan Dewangan, Babu Bagicha, Patan, District Durg Chhattisgarh
4. Shakeel Mohammad, S/o. Peer Mohammad, Ward No.6, Belahi Par, Patan, District Durg Chhattisgarh

----Respondents

For respective Petitioners	:	Mr. Vinod Kumar Sharma, Advocate Mr. Sourabh Sharma, Advocate
For State	:	Mr. Adhiraj Surana, Dy. G.A.
For respective Respondents	:	Mr. M.P.S. Bhatia, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****16/05/2018**

1. The challenge in both the writ petitions are the imposition of the Bus Stand fee/tax from the buses, which are parked in the Bus stand within the territorial limits of Nagar Panchayat, Arang as well as

Nagar Panchayat, Patan, respectively in the two writ petitions.

2. The issue involved in the instant case stands no longer *res integra* as the matter stands already adjudicated upon in a bunch of writ petitions, which were decided on 10.09.2010 in WP No.4227/2004 (Kanker Roadways & others vs. Municipal Council, Kirandul & others) and a bunch of writ petitions decided analogously. The writ petitions stood allowed vide order dated 10.09.2010, against which writ appeals were also preferred i.e. WA No. 346/2010 and other bunch of writ appeals, which too stood decided on 02.05.2012, wherein the Division Bench of this Court dismissing the appeals had upheld the order of Hon'ble Single Bench.
3. In view of the fact that the issue stands squarely covered by the aforesaid judicial pronouncement, the present two writ petitions also stand decided in similar terms and as a consequence, the two writ petitions stand allowed and the impugned orders so far as in both the writ petitions stand set-aside/quashed with consequences to follow.
4. Any amount, which has been deposited by the petitioners or has been levied by the respondents during the intervening period, they would be entitled for refund of the same.

Sd/-
(P. Sam Koshy)
Judge