

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (T) No.63 of 2017

Order reserved on: 17-5-2018

Order delivered on: 19-6-2018

Shailendra Jaiswal (Industrial Engineer), S/o Late Shri Ganesh Prasad Jaiswal, aged about 47 years, R/o Old High Court Road, Bilaspur (C.G.) presently elected Corporator from Ward No. 34, Gandhi Nagar and also appointed as Spokesperson of the Congress Corporators in Municipal Corporation, Bilaspur (C.G.)

---- Petitioner

Versus

1. The State of Chhattisgarh, through the Secretary, Urban Administration and Development Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur (C.G.)
2. The Revenue Secretary, State of Chhattisgarh, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur (C.G.)
3. The Municipal Corporation, Bilaspur, Through the Commissioner, Municipal Corporation, Bilaspur, Tahsil & District Bilaspur (C.G.)
4. The Speaker, Municipal Corporation, Bilaspur, Tahsil & District Bilaspur (C.G.)

---- Respondents

For Petitioner: Mr. Satish Chandra Verma, Advocate.

For Respondents No.1 and 2 / State: -

Mr. Anand Dadariya, Deputy Govt. Advocate.

For Respondent No.3: Mr. Pankaj Agrawal, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

C.A.V. Order

1. This writ petition was filed as public interest litigation questioning the enhancement of property tax pursuant to memo dated 31-8-2015 issued by the State Government, but the petitioner has not sought quashing of any order either passed by Municipal Corporation, Bilaspur or by the State of Chhattisgarh.

2. Pursuant to the order passed by a Division Bench of this Court on 27-3-2017, this matter is listed before this Court. The observation made by the Division Bench in this regard is pertinent (order dated 27-3-2017) which is as follows: -

“4. Face with the aforesaid situation, learned counsel for the Petitioners in these two matters requested for an adjournment to file appropriate applications to convert these writ petitions in an attempt to sustain them as individual/private litigations, in the event of the petitioners being able to show cause that they have such individual cause of action to pursue the relief in relation to the taxing provisions concerned.”

3. In view of the above-stated observation, by order dated 24-4-2017, WP(PIL) was permitted / converted in this writ petition.
4. I have heard learned counsel for the parties.
5. A careful perusal of the petition would show that the petitioner is neither an aggrieved person individually nor claimed any relief against the respondents herein and not sought quashing of any order passed either by the State Government or by the Municipal Corporation. Therefore, in absence of proper averment and material on record, this Court is not inclined to entertain this petition. However, the petitioner is at liberty to question the levy of property tax by the Municipal Corporation strictly in accordance with law.
6. With the above-stated observation, the writ petition stands finally disposed of. No order as to cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge