

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1846 of 2018

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Nagendra Kumar alias Nagendra Kumar Rai Son of Late Ram Chandra Singh,
Resident of Mohalla- East Patel Nagar, Road No.8, P.S.- Shastrinagar,
District- Patna.

... .. Petitioner

Versus

1. The Patna Municipal Corporation, through the Commissioner, Mauryalok Complex, Patna.
2. The Additional Municipal Commissioner (Planning) Patna Municipal Corporation, Mauryalok Complex, Patna.
3. The Estate-cum-Revenue Officer (Planning and Development) Patna Municipal Corporation, Mauryalok, Patna.

... .. Respondents

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Appearance :

For the Petitioner	:	Mr. Bhola Prasad, Advocate
For the P.M.C.	:	Mr. Prabhakar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3. **26-03-2019** The petitioner is aggrieved by the demand notice dated 23.11.2015 issued by the Municipal Commissioner, Patna Municipal Corporation, Patna as contained in Annexure-9 to the writ application by which the petitioner has been called upon to pay a sum of Rs. 4,94,987/-.

Grievance of the petitioner is that the demand amount of Rs. 4,94,987/- includes a demand of Rs. 3,68,143/- on account of user charges. It is stated that the petitioner had never used excess area of 605 Sq. Ft. as is being alleged against him. It is submitted that after receipt of the demand notice the petitioner has represented before



the Municipal Commissioner requesting him to consider his stand that he had never used any extra area in the premises but his request has not been considered.

It is submitted that since the year 2008-09, even though the petitioner is willing to pay the current maintenance charges, the same is not being accepted by saying that the petitioner would be first obliged to pay the demand on account of user charges for the extra area.

By filing interlocutory application, the petitioner has now brought on record Annexure-1/1 by which the Estate Officer, Patna Municipal Corporation, Patna, has called upon the petitioner to pay the user charges of Rs. 5,64,285/-, failing which the allotment of Kiosk shall be cancelled and the possession thereof will be taken over by the Municipal Corporation. The letter dated 18.02.2019 as contained in Annexure-1/1 to the Interlocutory Application also states that a sum of Rs. 1,00,740/- is outstanding against the petitioner for the period August 2008 to July 2009 and then a sum of Rs. 85,401/- for the period August 2009 to March 2018.

Learned counsel for the petitioner submits that at



this stage he is only looking for a direction to the Municipal Commissioner, Patna to look into the request of the petitioner, as contained in Annexure-10 to the writ application, which is in the nature of the representation by the petitioner. It is submitted that at no point of time before calling upon the petitioner to pay the amount in question any opportunity of hearing has been given to him.

Considering the facts and circumstances of the case and the nature of the reliefs prayed at this stage, this court thinks it just and proper to dispose of the writ application with a direction to the Municipal Commissioner, Patna Municipal Corporation to look into the grievance of the petitioner which he has represented vide Annexure-10 to the writ application, consider his grievance by giving him an opportunity of hearing within a period of 60 days from today and pass a reasoned order thereon within a maximum period of 90 days.

Till then, no coercive action be taken against the petitioner provided the petitioner deposits the admitted amount of Rs. 1,00,740/- and Rs. 85,401/- within a period of four weeks from today. If the admitted amount is not



deposited within the given period, the petitioner shall not be entitled for the benefit of interim order and the respondent shall be free to proceed against him.

The writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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