IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.5364 OF 2001

Chandrakant Mohanlal Raka,
age: 34 years, Occ: Business,
R/o Mahavir Nagar,
Nirmal Apartments, Savedi Road,
Ahmednagar. Petitioner

Versus

The Ahmednagar Municipal Council,
Ahmednagar, through its
Chief Officer. Respondents

Mr. Akshay Kulkarni, Advocate holding for Mrs.Anjali Dube-Bajpai, Advocate for the petitioner.
Mr. K.N.Lokhande, advocate for the Respondent.

CORAM : Ravindra V.Ghuge, J.

DATE : 10/07/2019

PER COURT :

1 This petition was posted today for passing orders on dismissal.

2 I have briefly heard the learned advocates for the respective sides and have gone through the petition-paper book with their assistance.

3 This petition appears to be rendered infructuous on account of passage of 33 years. The Municipal Council, Ahmednagar (presently Municipal Corporation) had fixed the taxes on the suit property Plot No.63 in the Industrial Estate, Kedgaon. The petitioner had approached the Court of the Learned Chief Judicial Magistrate, Ahmednagar, alleging that the annual ratable value fixed by the Municipal Council and the taxes calculated thereupon, are exorbitant. The learned Court, by judgment dated 31st July, 1987, dismissed the Municipal Tax Appeal No.145 of 1986 taking into account the circumstances and reasons and concluded that the tax assessed by the Municipal Council on the rental value @ Rs.2300/- per month cannot be said to be unreasonable in view of the ratable value fixed at Rs.21,600/-.

4 The petitioner preferred Criminal Revision (Municipal Tax) No.255 of 1995 before the learned Sessions Judge at Ahmednagar. By judgment dated 05.07.2000, the appeal was dismissed by the Additional Sessions Judge, Ahmednagar, holding that there was no error in the taxes fixed by the Municipal Council and the ratable value.

5 This petition was heard on 20.01.2002 and no interim relief was granted. A total period of 33 years have lapsed. The learned Advocate for the Respondent submits that now the Zone System is made applicable as the Municipal Council is now converted into a Municipal Corporation.

6 Considering the above, this petition is disposed off as being infructuous. Rule is discharged.

7 It is, however, made clear that in the event, the petitioner has any grievance surviving as regards any such taxes after the Respondent Municipal Council converted into a Municipal Corporation, he would be at liberty to seek redressal of his grievance, as may be permissible in law.

(Ravindra V.Ghuge, J.)

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