

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18334 of 2021

Century Business Private Limited, a Company incorporated under the Laws of India having registered office at 108, Emarat Firdaus, Exhibition Road, Patna- 800001, through its Director Shashi Kumar Chaudhary, Male, aged about 53 years, Son of Sri Banwari Lal Chaudhary.

... .. Petitioner/s

Versus

1. Union of India, through the Chairman Railway Board, Ministry of Rail, Government of India, Rail Bhawan, New Delhi- 110001.
2. General Manager East Central Railway, Hajipur, P.O.- Digghi Kala, P.S.- Hajipur (Sadar), District- Vaishali (Bihar).
3. Divisional Railway Manager (Commercial) East Central Railway, Dhanbad (Jharkhand).
4. Dhanbad Municipal Corporation Dhanbad, through Municipal Commissioner, Dhanbad.
5. Municipal Commissioner Dhanbad Municipal Corporation, Dhanbad.
6. Rising Enterprises Jaiprakash Nagar, Bartand, Dhanbad (Jharkhand), Pin- 826001 through its Partner Aamir Khan, S/o Late Irfan Khan, Resident of Rangtand, Railway Colony, Near Kabristan, Dhanbad (Jharkhand).
7. Maa Tara Media Central Plaza, Bank More, Dhanbad (Jharkhand) Pin- 826001 through its partner Sunil Prasad, S/o Dinesh Prasad, Resident of Rangtand Railway Colony, Near Netaji Club, Dhanbad (Jharkhand).

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Raju Giri, Advocate
For the Respondent/s : Mr. Ramadhar Shekhar, Addl. S. C. Railway

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

(The proceedings of the Court are being conducted by Hon'ble the Chief Justice/ Hon'ble Judges through Video Conferencing from their residential offices/residences. Also, the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)

Date : 29-01-2022

Heard learned counsel for the parties.



Petitioner has prayed for the following relief(s):-

- I.* To issue an appropriate writ / order / direction in the nature of certiorari quashing the Letter dated 3.03.2021 issued by the Municipal Commissioner, Dhanbad, by which he has requested the Divisional Railway Manager, East Central Railway, Dhanbad, to make payment of Rs. 1,08,33,000/- (Rs. One Crore Eight Lakhs Thirty Three Thousand only) towards advertisement Tax in regard to the advertisements put up by the petitioner company on the Railway land pursuant to an agreement entered with the East Central Railway (as contained in Annexure-5)
- II.* To further issue an appropriate writ / order / direction in the nature of certiorari for quashing memo no. 1375 dated 2.07.2021 issued by the Municipal Commissioner, Dhanbad, by which a decision has been taken to block the advertisements put up by the petitioner company on the Railways lands (as contained in Annexure-8)
- III.* To issue an appropriate writ / order / direction holding section 171 of the Jharkhand Municipal Act, 2011 (hereinafter referred to as the Act) to be not applicable in the case of the petitioner as the advertisements put by the petitioner is on the Railway land and as such it is out set the purview of the Municipal Area.



- IV.* To issue an appropriate writ / order / direction holding that by virtue of Article 246(1) of the Constitution of India, Section 185 of the Railways Act, 1989 as far as payment of tax in respect of any advertisement made on any part of the Railways is concerned could prevail over the section 171 of the Act.
- V.* To issue an appropriate writ / order / direction in the nature of mandamus commanding the Dhanbad Municipal Corporation not to disturb and remove any hoardings / advertisement put up on the East Central Railways lands / premises pursuant to the Tender floated by the Railways in which the Petitioner was declared successful and was awarded the Contract.
- VI.* Any other relief or reliefs for which the Petitioner is found to be entitled in the facts and circumstances of the case.

After the matter was heard for some time, finding the Bench not to be agreeable with the submissions made by learned counsel for the petitioner, learned counsel for the petitioner, under instructions, seeks permission to withdraw the present petition reserving liberty to institute a petition before the appropriate forum having jurisdiction.

Liberty as prayed for is granted.

The instant petition stands disposed of as



withdrawn.

Interlocutory Application(s), if any, stands disposed
of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Amrendra/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	31.01.2022
Transmission Date	

