

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17887 of 2016

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Md. Nasim S/o Late Md. Salim R/o Ruidhasa Khanka, P.O. and P.S.-
Kishanganj, District-Kishanganj

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Executive Officer, Nagar Parishad, Kishanganj

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	None.
For the State	:	Mr.Subhash Prasad Singh-GA-3 Mr. Indeshwari Prasad, Ac to GA-3
For Nagar Parishad, Kishanganj	:	Mr. Bindyachal Rai, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 20-06-2023 No one appears on behalf of the petitioner although the State as well as the Nagar Parishad, Kishanganj are represented.

This application has been preferred for issuance of an appropriate writ or order (s)/direction (s) for the following relief/reliefs;

(A) to direct the Nagar Parishad, Kishanganj not to enforce the slab/rate of Holding and/or property tax as fixed by the Nagar Parishad, Kishanganj and approved vide Letter No. 1957, dated 04.06.2009 by the Urban Development & Housing Department, Govt. of Bihar in violation of the Letter No. 2550, dated 17.10.2013 issued by the Urban Development & Housing



Department, Govt. of Bihar;

(B) to direct the Respondent Nagar Parishad, Kishanganj to realize the property tax as per the slab fixed immediately before the slab/rate fixed vide Letter No. 1957 dated 04.06.2009 in compliance of the Letter No. 2550 dated 17.10.2013;

C) to direct the Respondent-Nagar Parishad, Kishanganj not to take any coercive action in furtherance of the enforcement of the realization of the property tax as per the slab fixed and approved vide Letter No. 1957 dated 04.06.2009 issued by the Urban Development & Housing Department Govt. of Bihar during pendency of this writ application.

Learned counsel for the Nagar Parishad, Kishanganj has provided a copy of CWJC No. 6932 of 2017 (Satyanarayan Jaiswal Vs. The State of Bihar through the Principal Secretary Bihar & Another) disposed of on 27.04.2023 relating to similar issue in which the co-ordinate Bench held as follows:

“The Court fails to appreciate that how such a direction could be issued in absence of challenge to the Letter No. 1957 dated 04.06.2009 issued by the Urban Development and Housing Department, Government of Bihar, in the event, if the petitioner was aggrieved by the Letter No.



1957 dated 04.06.2009 then he ought to have moved before an appropriate forum seeking quashing of that order.

The learned counsel appearing for the Nagar Parishad, Kishanganj and learned counsel for the State are present.

In the nature of prayer made and in view of the facts recorded hereinabove, the Court is not inclined to proceed with the writ application.

Accordingly, the present writ application stands dismissed.”

Let the same be kept on record.

Taking into account the aforesaid facts as also that the direction of Urban Development & Housing Department, Bihar, Patna dated 17.10.2013 has not been challenged in the present petition too, no relief can be extended.

Accordingly, the petition stands dismissed.

(Rajiv Roy, J)

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