

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.82 of 2019

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S. S. Communications having its registered Office at B-802, Taj Apartment, Main Road, Gajipur, Delhi and having its Branch office at 207, Above Punjab and Sind bank, Fraser Road, Patna, through its Proprietor, Sumi Sharma, Wife of Ajit Kumar, resident of B-802, Taj Apartment, Main Road, Gajipur, Delhi.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Old Secretariat, Patna.
2. The Patna Municipal Corporation, 2nd Floor, C Block, Maurya Lok Complex, Patna, through its Municipal Commissioner.
3. The Municipal Commissioner-Cum-Chief Executive officer, Patna Municipal Corporation, 2nd Floor, C Block, Maurya Lok Complex, Patna
4. The Executive Officer, Patna Municipal Corporation, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Suraj Samdarshi, Advocate Mr. Shishir Shwetank Sudarshan, Advocate Mr. Avinash Shekhar, Advocate
For the Respondent/s	:	Mr. Syed Hussain Rizvi, Advocate
For the P.M.C.	:	Mr. Bindhyachal Singh, Sr. Advocate

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 12-05-2023 Heard learned counsel for the petitioner, Mr. Syed Hussain Rizvi learned counsel for the State and learned Senior Counsel for the Patna Municipal Corporation, Patna.

Learned counsel for the petitioner submits that earlier the petitioner had moved before this Court by filing C.W.J.C. No. 4279 of 2012 wherein demand dated 11.02.2012 and the decision of the Committee to charge penalty and cancellation of the licence of the petitioner and the enhanced rate as advertised on 15.11.2007 were under challenge. Learned counsel further submits that petitioner apart from putting hoardings is also



helping the Patna Municipal Corporation to beautify the town and for this the petitioner invests in the park, Median/intersections and in lieu thereof petitioner gets revenue from the properties so developed by putting up hoardings. It is next submitted that the petitioner got himself registered with the Patna Municipal Corporation, Patna in the year 2008-09 and after his registration he never received any notice except for a demand notice for a sum of Rs.25,320/- which was to be paid as advertisement tax for the year 2008-09 and 2009-10 and the said amount was paid by the petitioner on 09.11.2009. Learned counsel also submits that in the year 2009, the Patna Municipal Corporation advertised the property which was being maintained by the petitioner for the purpose of maintenance and grant of advertisement right in lieu of such maintenance which led to filing of C.W.J.C. No. 15012 of 2009 seeking a direction that the Corporation be restrained from advertising the property maintained by the petitioner but the said writ application was dismissed on the ground that no right had accrued to the petitioner in absence of any agreement entered into between the Corporation and the petitioner. Learned counsel further submits that C.W.J.C. No. 15012 of 2009 though was filed earlier to C.W.J.C. No. 4279 of 2012 but then C.W.J.C. No. 4279 of 2012



was disposed of earlier by order dated 29.06.2012 whereby the demand notice was quashed and the Patna Municipal Corporation was directed to take steps either to enter into a separate agreement to charge royalty from the petitioner from the date on which the Patna Municipal Corporation takes a decision regarding this aspect of the matter.

Learned counsel thus submits that by order dated 29.06.2012 this Court had directed the Corporation to take steps for entering into a separate agreement with the petitioner and thereafter to charge royalty but in terms of the direction of the learned Writ Court as aforesaid till date no agreement has been entered into between the Corporation and the petitioner but still the petitioner is continuing in helping the Patna Municipal Corporation, Patna in beautifying the town of Patna as aforesaid in lieu whereof the petitioner is earning through advertisement but threat always loom large whenever any encroachment drive takes place that the hoardings put by the petitioner shall be demolished. It is further submitted that in year 2018, the petitioner was threatened with encroachment leading to demolition of his hoardings which led to filing of a representation dated 23.07.2018 before the Patna Municipal Corporation, Patna in which the petitioner raised several issues



along with the direction issued by this Court in C.W.J.C. No. 4279 of 2012. Learned counsel next submits that despite order of this Court in C.W.J.C. No. 4279 of 2012 and despite representation as contained in Annexure-2 still no action has been taken. Learned counsel for the petitioner also submits that the petitioner would be satisfied in the event if the writ application is disposed of with a direction upon the Municipal Commissioner, Patna Municipal Corporation, Patna to consider and dispose of the representation of the petitioner dated 23.07.2018.

Learned counsel for the Patna Municipal Corporation, Patna does not object the prayer made by the learned counsel for the petitioner however submits that since the representation was filed in the year 2018, as such, the petitioner be directed to file a fresh representation bringing on record with clarity his grievance along with the order passed in C.W.J.C. No. 4279 of 2012. Learned counsel for the petitioner agrees to the submission made by the learned counsel for the Corporation and submits that within fifteen days from today, the petitioner will be filing a fresh representation. In the event if any representation on behalf of the petitioner is filed by 29.05.2023, the Municipal Commissioner, Patna Municipal Corporation,



Patna shall consider and take decision in accordance with law expeditiously preferably within a period of six months from the date on which the representation is filed.

Accordingly, the writ application is disposed of.

(Satyavrat Verma, J)

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