

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16101 of 2022

=====

Aim Addcom Pvt. Ltd. through its Director Binod Kumar Choudhary, having its regional Office at 306, Chandi Sayunkta Apartment, Kankarbagh, P.S. Kankarbagh, Dist.- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Urban Development Department, Government of Bihar, Patna.
2. The Senior Superintendent of Police, Bhagalpur.
3. The Bhagalpur Municipal Corporation, Bhagalpur through the Municipal Commissioner, Bhagalpur.
4. The Municipal Commissioner, Bhagalpur Municipal Corporation, Bhagalpur.
5. The Dy. Municipal Commissioner, Bhagalpur Municipal Corporation, Bhagalpur.
6. The Finance Controller cum Dy. Commissioner, Revenue, Bhagalpur Municipal Corporation, Bhagalpur.
7. City Manager, Bhagalpur Municipal Corporation, Bhagalpur.
8. The Head Clerk, Bhagalpur Municipal Corporation, Bhagalpur.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Sangeet Deokuliar, Adv.
For the State	:	Mr. Indeshwari Pd. Mandal, AC to GA 3
For the BMC	:	Mr. Manish Kumar, Adv.

=====

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 19-09-2023

Heard Mr. Sangeet Deokuliar, learned counsel appearing on behalf of the petitioner and Mr. Indeshwari Prasad Mandal, learned counsel for the State. Mr. Manish Kumar, representing the Bagalpur Municipal Corporation is also present.

2. The petitioner is a company involved in the



business of installation and maintenance of CCTV cameras across the State of Bihar in different cities and putting up the advertisement display and unipoles, erected for installation of CCTV, preferred the present writ petition seeking the following direction upon the respondents:

“(A) i. To restrain the respondents authorities specially the Respondents No. 4 to 8 to not to disturb the unipoles and CCTV Cameras of the petitioners installed with CCTV camera for maintaining law & order in the city of Bhagalpur.

ii. To restrain the Respondent authorities to demand any Tax/Royalty/Fee on advertisement under the provisions of Chapter XVII "The Bihar Municipal Act 2007" until such time a Regulation is promulgated and notified by the Respondent State & the Patna Municipal Corporation.

iii. To consider the case of the Petitioner and hold that the petitioner has already submitted the requisite fee with the authorities concern and got the NOC from them.

iv. To hold that the demand and collection of tax by way of advertisement tax by the respondent authorities is illegal and that the same is bound to be refunded to the petitioner.

v. To restore the unipoles and sites allotted to the petitioner for installation of CCTV unipoles and CCTV Cameras and hoardings and not to interfere in the same as the petitioners' display sites are legal and with no objection certificates from all concern.

vi. To allow the petitioner to install/maintain/look after the work given to him by the Govt. through an order and not to interfere in the same.



(B) To any other relief/s to which the petitioner is found entitled to.”

3. During the pendency of the present writ application, on a submission made by the petitioner, this Court has requested learned counsel for the Municipal Corporation, Bhagalpur to seek instruction on the point of the submission/request made by the petitioner and the Bagalpur Municipal Corporation has come up with an instruction that the petitioner may be allowed to continue with unipoles with advertisement display, subject to payment of arrears of tax/fee till the coming into force of new regulation.

4. Mr. Manish Kumar, learned counsel for the Bagalpur Municipal Corporation further submits that the petitioner would not be allowed to continue with CCTV cameras, which were initially used for the purposes of maintaining law and order in the city of Bhagalpur. He further submitted that the petitioner must ensure that the advertisement display in no manner would disturb the CCTV cameras installed by the Bhagalpur Municipal Corporation.

5. Learned counsel for the petitioner undertakes that he would ensure the payment of arrears of tax/fee within the period prescribed by the Municipal Commissioner, Bagalpur Municipal Corporation and his advertisement display in no



manner will cause any disturbance to the CCTV cameras.

6. In view thereof, the present writ application stands disposed of in terms of the undertaking given by the parties, noted hereinabove.

(Harish Kumar, J)

Anjani/-

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	21.09.2023
Transmission Date	N.A.

