

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4305 of 2017

=====

Rajkishore Jain S/o - Late Chunni Lal Jain R/o House No. 15, Ward No. 26,
Village - Jain Campus, Rajendra Path Siwan, P.O. - Siwan, P.S.- Siwan,
District - Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Siwan.
3. The Nagar Parishad, Siwan through Executive Officer, Nagar Parishad, Siwan.
4. The Chairman, Nagar Parishad, Siwan.
5. The Executive Officer Nagar Parishad Siwan.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Pandey, Advocate
For the Respondent/s : Mr.Subhash Prasad Singh-Ga3

=====

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 18-07-2024 Heard learned counsel for the petitioner and learned
counsel for the respondent.

2.The following relief(s) have been prayed for in
paragraph No. 1 of the present writ application:

“1(i) The present application has been filed for issuance of an appropriate writ/order/direction for either creating a separate Jamabandi of the petitioner regarding his 1/3rd share or cancel the Jamabandi created in the name of Mr. Pawan Kumar Jain and continue with the old consolidated Jamabandi.

(ii) Petitioner further prays for issuance of an appropriate writ/order/direction for an explanation upon the respondents Nagar Parishad, Siwan as to why the request of the petitioner



regarding creation of Jamabandi has been throughout rejected and how and why Jamabandi in favour of Mr. Pawan Kumar Jain has been created.

(iii) The petitioner further prays for issuance of any appropriate writ/order/direction to which he is found entitled to.

3. At the outset, learned counsel for the respondent Nagar Parishad Siwan, referring to paragraph no. 3 of the counter affidavit filed on behalf of respondent nos. 3 and 5, submits that earlier, bifurcation of Municipal tax liability of the petitioner and 1/3rd Municipal tax from the petitioner with regard to his ancestral residential house was not accepted since no document of his title/ share of the land/Residential house was given and a title suit is also pending in the court of Sub-Judge (iii) Siwan. Now, as per new provision of government, self assessment of holding tax as well as creation of new holding has come. The new holding 150A is created on the basis of self assessment form filed up by Pawan Kumar Jain. The petitioner may also file self assessment form, create new holding and deposit holding tax.

4. In view of the stand taken by the respondent Nagar Parishad, Siwan, learned counsel for the petitioner also submits that petitioner will also file an application along with self



assessment form for creation of holding in his name and prays that direction be given in this regard for disposal of the same within a time frame.

5. In view of the aforesaid facts and circumstances and the stand taken by the respondent Nagar Parishad, the petitioner is directed to file application along with relevant documents before the Executive Officer, Nagar Parishad, Siwan (respondent no.5) within a period of four weeks from today. If such an application is filed, the concerned respondent no.5 shall consider the same after perusing the documents filed on behalf of the petitioner and pass a reasoned and speaking order in accordance with law within a period of three months thereafter.

6. With the aforesaid observation/direction, the present writ application stands disposed of.

(Rudra Prakash Mishra, J)

Pankaj/-
Alok Verma/-

U			
---	--	--	--

