IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10559 of 2023

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1. Pankaj Kumar Singh Son of Late Braj Bhushan Singh, Resident of Mohalla-Garhpar, P.O. and P.S.-Biharsharif, District-Nalanda.
2. Manish Chandra Son of Harish Chandra Prasad, Resident of Mohalla-Kathal, P.O. and P.S.-Sohsarai, District-Nalanda.

... ... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Urban Development and Housing Department, Bihar, Patna.
2. The Chairman-cum-Principal Secretary, Urban Development and Housing Development Smart City, Bihar, Patna.
3. The District Magistrate, Nalanda at Biharsharif.
4. The Sub Divisional Officer, Nalanda at Biharsharif.
5. The Municipal Commissioner, Municipal Corporation, Biharsharif, Nalanda.
6. The Municipal Corporation, Biharsharif, District-Nalanda.

... ... Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Satya Ranjan Sinha, Advocate
For the State	:	Mr. Subhash Prasad Singh (GA- 3)
For B.M.C.	:	Mr. G.P. Ojha, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 19-01-2024

Heard Mr. Satya Ranjan Sinha, learned counsel appearing on behalf of the petitioners; Mr. Subhash Prasad Singh, learned GA-3 appearing on behalf of the State and Mr. G.P. Ojha, learned counsel for the Biharsharif Municipal Corporation.

2. Petitioners are aggrieved by the action of the Standing Committee of the Biharsharif Municipal Corporation,

District- Nalanda to the extent that abrupt enhancement has been made in tax in accordance with the Central Government Scheme.

3. Learned counsel appearing on behalf of the petitioners submitted that the grievance of the petitioners is that the halls, which have been constructed by the petitioners are rented only for a limited period of time, barely for 20 to 25 days during *Shukla Paksha*. The imposition of Rs. 30,000/- per year tax is not justified. Whereas the hotels running in the vicinity, they are being charged Rs. 500/- per month. Aggrieved by the enhanced charge, the petitioners had filed a detailed representation before the Standing Committee, however, no action has been taken by the Standing Committee till date.

4. *Per contra*, learned counsel appearing on behalf of the Biharsharif Municipal Corporation submitted that no interference can be made with the decision of the Standing Committee, which is rational and based on the decision of the Government of Bihar and Urban Development and Housing Department issued vide letter no. 1251 dated 12.07.2013.

5. Heard the parties.

6. Having considered the rival submissions made on behalf of the parties, as well as, the fact that the notification

issued by the Urban Development and Housing Department, which gives the maximum rent which can be fixed by the Standing Committee of the Municipal Corporation. Standing Committee has fixed the maximum tax as has been notified by the Urban Development and Housing Department, however, no rationality has been given by the Standing Committee, as to why, maximum tax in a mechanical manner has been decided by them.

7. Considering the fact that counter affidavit it devoid of any parameter for imposition of maximum tax on the marriage hall, which only run for 20 to 25 days in a year and at the same time, the hotels and restaurants, which are running in the vicinity, are being charged only Rs. 500/- per month, the Standing Committee can consider the grievance of the petitioner on the basis of such rational appreciation of the parameters considering the fact that only during the exhibition and fair, during Shukla Paksha, the halls are being booked.

8. The present writ petition is disposed of with a direction to consider the representation filed on behalf of the petitioners within a period of three weeks from the date of communication of this order.

9. No coercive step shall be taken against the

petitioners before the Standing Committee arrives at any decision.

(Purnendu Singh, J)

Niraj/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A
Uploading Date	22.01.2024
Transmission Date	N/A