

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12076 of 2024

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Upendra Prasad S/o late Banarsi Sah resident of Mohalla/Village Naya Tola,
P.S- Jamalpur, Distt- Munger.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional chief Secretary of Urban Department, Government of Bihar, Patna,
2. The District magistrate, Munger,
3. The Chairman Nagar Parishad, Jamalpur,
4. The Chief Municipal Officer, Jamalpur,
5. The Sub-divisional Officer, Jamalpur,

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Kumar Kamal Nayan, Adv.
For the Respondent/s : Government Pleader

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 13-08-2024

Heard the parties.

2. The writ petition has been filed for the following

relief(s):-

“ (i)For the issuance of a rule in the nature of writ of certiorari for quashing the no.430 dated 23.02.2024, issued by Executive Officer, Nagar Parishad, Jamalpur; whereby and whereunder the respondent No has directed to the mother of petitioner to deposit Rs. 2,00,630/- (total demand Rs 2,00,630.00/- and interest Rs. 1,12,364.00)as wealth tax regarding Holding No. JW-047-63/154.

(ii) For the issuance of a rule in the nature of writ of certiorari for quashing the Re-assessment done by the respondents in the year 1999-2000 without approval of the State Government and without any gazette notification.



iii) For the issuance of a rule in the nature of writ of mandamus for directing the respondents to accept the holding tax from 2007 onwards as per the provisions contained in Bihar Municipal Act, 2007 (For Short New in as much as the old Act was repealed since the date of notification of the New Act.

(iv) For issuance of a rule in the nature of writ prohibition restricting the respondents from demanding holding tax in the year 2024 also on the basis of assessment done by them in the year 1999 which was void ab initio and without providing even the basic civil amenities to the holders.”

3. Learned counsel for the petitioner submits that the rate that has been enhanced by the Nagar Parishad, Jamalpur, Munger has not been stamped by the Urban Development and Housing Department, Bihar and has brought on record a decade old document issued by the Sub-divisional Officer, Sadar Munger by letter no. 643 dated 17.06.2013 addressed to the District Magistrate, Munger in support of his case.

4. Both the parties are in agreement that the State Government has to take decision and in that background, learned counsel for the petitioner submits that he will be approaching the respondent no.1, the Additional chief Secretary of Urban Department, Government of Bihar, Patna with all the relevant documents in next four weeks. In case, the petitioner approaches the concerned respondent no. 1, he shall



take up the matter, hear both the petitioner as also the Executive Officer, Nagar Parishad, Jamalpur, Munger and shall pass a reasoned order on all the points raised by the petitioner as the decision so taken will be applicable to all the citizens under the said Nagar Parishad, Jamalpur, Munger.

5. The entire exercise has to be completed within four months from the date the representation is presented before the respondent no.1.

6. The writ petition stands disposed of.

(Rajiv Roy, J)

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