IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5304 of 2025

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1. Smt. Suchitra Devi alias Smt. Suchitra Saha Wife of Raj Kumar Choudhary alias Late Raj Kumar Prasad alias Late Raj Kumar Kasera, Resident of Raj Kumar Market, Ashok Raj Path,Chowk, Patna City, P.S.- Chowk, District- Patna.
2. Amit Kumar Kasera, Son of Raj Kumar Choudhary alias Late Raj Kumar Prasad alias late Raj Kumar Kasera, Assistant Teacher in Anant Lal Sanskrit High School Ramasadh, Sandesh, District- Bhojpur.

... ... Petitioner/s

Versus

1. Patna Nagar Nigam through its Mayor, Maurya Lok Complex, Buddha Marg, Patna.
2. The Municipal Commissioner, Patna Nagar Nigam, Maurya Lok Complex, Buddha Marg, Patna.
3. The Executive Officer, Patna City Circle, Patna Nagar Nigam, Gulzarbagh, Patna City, District- Patna.
4. Banti, Son of Late Lal Babu alias Mahesh Prasad, Resident of Mohalla Kamangar Gali, P.S.- Khajekala, Patna City District- Patna.

... ... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Bajarangi Lal, Adv.
For the Respondent/s	:	Mr. Prasoon Sinha, Sr. Adv.
	:	Mr. Prabhat Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

2 19-08-2025 1. Heard the parties.

2. According to the petitioners, the father in law of petitioner no.1 Late Jugeshwar Prasad had purchased a land appertaining to Plot no.767 Circle no. 178 Holding no. 104 (old), ward no. 26 (old) situated at Ashok Rajpath Chowk Patna City vide two registered sale deeds dated 26.03.1969 and 31.05.1969 from one Laxmi Niwas Ram and came in physical possession over it.

3. Learned counsel for the petitioners submits that after the death of Late Jugeshwar Prasad in 1978, the name of petitioners being mother and son was mutated in the records of the Patna Municipal Corporation vide order dated 15.04.1997 passed by the Assistant Administrator Patna City, Anchal, Patna in Mutation Case No. 191/95-96. After the mutation, the petitioners have been paying the municipal tax regularly. The land and building is presently situated in Ward No. 66 at Ashok Rajpath having Holding No. 115/119 - Property No. 2066167 and the petitioners are residing in the said house and are in exclusive possession of the same.

4. Petitioners, in the year 2020, came to know that name of another person was recorded on the holding of the petitioners, namely, Shri Lal Babu Prasad alias Mahesh Prasad, son of Babu Nandan Prasad Chaudhary, vide order dated 15.02.2013 having MC No. 740/12-13. From the year 2020, the municipal authorities insisted to issue joint rent receipt in the name of petitioners as well as in the name of joint holder Shri Lal Babu Prasad.

5. The petitioners have filed an appeal before the Municipal Commissioner, Patna, having Appeal No. 02 of 2020-21 but the same is still pending. In the meanwhile, the

Respondent/Authorities have issued Attachment Order against the petitioners for payment of sum of Rs. 89,211/- out of which the petitioners have paid a substantial amount and as of today Rs. 24,052/- is to be paid by the petitioners. Learned counsel submits that petitioners are ready to pay the aforesaid amount of Rs. 24,052/- and the future municipal tax without prejudice to their right and contention that the name of joint holder Shri Lal Babu Prasad alias Mahesh Prasad has wrongly been added in the holding exclusively possessed by the petitioners.

6. Mr. Prasoon Sinha, learned senior counsel appearing for the P.M.C., assisted by Mr. Prabhat Kumar, submits that Competent Authority may be directed to dispose the appeal filed by the petitioners and the petitioners may be directed to deposit the balance amount towards the holding tax without prejudice to their right and contention which shall be subject to the final outcome of the appeal.

7. Having considered the rival submission of the parties and taking into account the nature of dispute involved in the present case, I feel it expedient to direct the Respondent No. 2/Municipal Commissioner, Patna, to decide the appeal of the petitioners as early as possible, preferably within a period of four months from the date of receipt/production of a copy of this

order. The petitioners are also directed to deposit the balance amount towards holding tax within a period of one month without prejudice to their right and contention and shall continue to pay holding tax as and when demanded by the Municipal Corporation.

8. If the petitioners deposit the up-to-date amount of holding tax, no coercive steps shall be taken against the property.

9. With the aforesaid direction, this writ application is disposed.

(Anil Kumar Sinha, J)

HarshPandey/-

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