(2008) 07 PAT CK 0224

In the Patna High Court

Case No : CWJC No. 9246 of 2008

Bishwajeet Kumar Singh APPELLANT

Vs

The State of Bihar and Others RESPONDENT

Date of Decision : 11-07-2008

Acts Referred:

Citation : (2009) 1 PLJR 397

Hon'ble Judges : R.M. Lodha, C.J;Barin Ghosh, J

Bench : Division Bench

Advocate : Sunil Kr. Gupta, for the Appellant; Nilu Agrawal, for the Respondent

Final Decision : Allowed

Judgement

1. The counsel for the petitioner prays for withdrawal of this writ petition with liberty to the petitioner to approach the State Government for redressal of the grievance, particularly, with regard to the anomalies in the rate of additional tax between the owners of motor vehicles having 205" wheel base and those between 114"-167" wheel base during the period 16th July, 2002 to 17th April, 2006 and other incidental reliefs. Our attention has been invited to the order passed by this court in group of writ petitions being CWJC No. 16260 of 2007; Reported in Tarakanath Kar Vs. Lipika Kar, , and other cases passed on 4th March, 2008. The said order reads thus:-

"After we have heard the matter for some time, Mr. Ram Balak Mahto, Senior Advocate, Mr. Badri Narayan Singh, Mr. Uma Kant Shukla and other counsel representing the petitioners seek permission to withdraw the writ applications with liberty to the petitioners to seek redressal of their grievances before the State Government pointing out the anomalies in the rate of additional tax between the owners of the motor vehicles having 205" wheel base and those of between 114"-167" wheel base during the period 16th July, 2002 to 17th April, 2006 resulting from enactment of Bihar Motor Vehicles Taxation (Amendment) Act, 2002 (Bihar Act 6 of 2003). Further liberty sought for is to pray before the

State Government to provide the benefits as given by notifications No. 2518 and 2520 dated 1.7.2004 with retrospective effect as also for waiver of the penalty in case it is held that they are liable to pay the additional tax.

Needless to state that in case such prayers are made to the State Government within six weeks, it shall consider the same in accordance with law within six months from today. Till the decision on the representations is taken, petitioners, as directed by the interim order dated 31.1.2008, shall pay road tax at the rate of Rs. 267/- per seat per quarter without any penalty for the period between 16.7.2002 and 17.4.2006.

On payment of tax and additional tax, as aforesaid, tax token shall be issued to the petitioners.

All the writ applications are permitted to be withdrawn with liberty aforesaid."

2. For the self-same reasons as afore-noticed, this writ petition is allowed to be withdrawn with liberty as prayed.

3. Needless to say that until the decision on the representation, the petitioner shall pay road tax at the rate of Rs. 267/- per seat per quarter without any penalty for the period between 16.7.2002 and 17.4.2006. We order accordingly.