

(1996) 10 SC CK 0032

In the Supreme Court Of India

Case No : Civil Appeal No's. 3537-58 of 1979

Chief Commissioner, Union Territory, Chandigarh

APPELLANT

Vs

Jangi Lal Jain and Another

RESPONDENT

Date of Decision : 08-10-1996

Acts Referred:

Citation : (1996) 8 AD 391 : (1996) 8 SCALE 13 : (1996) 11 SCC 497 : (1996) 7 SCR 315 Supp

Hon'ble Judges : K. Ramaswamy, J;G. B. Pattanaik, J

Bench : Division Bench

Advocate : K. Madhava Reddy, Kanwaljit Kochar, Rani Chhabra and S. K. Jain, for the Appellant; D.V. Sehgal, Ravindra Bana (NP) and G.K. Bansal, for the Respondent

Final Decision : Dismissed

Judgement

1. These appeals by special leave arise from the judgment dated 19.2.79 of the Division Bench of the Punjab and Haryana High Court holding that the delegation of power to levy property tax in favour of the Chief Administrator of Union Territory of Chandigarh Administration was in excess of legislative power. The operation of Schedule II of the Capital of Punjab (Development and Regulation) Act, 1952, (27 of 1952), as amended by Punjab Act 37 of 1957, offend the provisions of the Constitution. On the facts of this case, we think that it is not necessary to decide the question on account of diverse reasons. There is some force in the contention of Shri Madhava Reddy, learned senior counsel for the appellant, that the view taken by the High Court is not correct in law. But, prior to 1994 Amendment u/s 62 read with Section 61 and 68 of the Punjab Municipal Act, 1911, the assessment of the property tax shall be annual basis and revisable every year. Now, it is valid for five years and amount for quin-quennial. In this case, since it was struck down, revision was not effected. Moreover, even the limitation for recovery of the amount due also is now barred by limitation except for six months. That apart, the Punjab Municipal Corporation Law (Extension to

Chandigarh) Act, 1994 (45 of 1994) which has come into force with effect from may 24, 1994, displaces the effect of Act 27 of 1952 as amended by Act 37 of 1957. The Municipal Corporation, as enjoined u/s 4 of 1994 Act has yet to be constituted. After coming into force of the 1994 Act, the Chief Administrator has been denuded of the power to levy property tax. In view of these subsequent changes, it is unnecessary, rather academic, to decide the question decided by the High Court in the impugned order. Moreover, the connected appeals C.A. Nos. 3536, 3539, 3541-43/79 filed against the main judgment were dismissed by this Court for non-prosecution on May 10, 1995 and became final. Under these circumstances, we think that these are not proper cases to go into the question.

2. The appeals are accordingly dismissed. No. costs.