

(1988) 05 PAT CK 0049
In the Patna High Court
Case No : C.W.J.C. No. 776 of 1988 (R)

Kaushalaya Mehta

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 06-05-1988

Acts Referred:

Bihar and Orissa Municipal Act, 1922 — Section 383, 383(2)

Citation : (1989) PLJR 397

Hon'ble Judges : R.C.P. Sinha, J;N.S. Rao, J

Bench : Division Bench

Advocate : M.P. Sinha, for the Appellant; Narain Roy, G P. 2 for the State, for the Respondent

Final Decision : Allowed

Judgement

R.C.P. Sinha and N.S. Rao, JJ.—This application is being disposed of at the admission stage itself. The prayer of the petitioner is for quashing the order dated 25.7.1985 passed by the Deputy Commissioner, Dhanbad in purported exercise of power u/s 383 of the Bihar and Orissa Municipal Act, 1922 whereby he enhanced the annual valuation from Rs. 1000/- to Rs. 7,500/ of Holding No. 5/31 Ward no. 18 standing in the name of petitioner. On perusal of the aforesaid section we are of the opinion that Deputy Commissioner has got no power to enhance the annual valuation of any holding under the aforesaid section and the order is entirely without jurisdiction. There is nothing on the record to show that the aforesaid order was sent to the State Government for taking necessary action as provided for in section 383 (2) of the aforesaid Act. For the reasons stated above we allow the application and quash the aforesaid order contained in Annexure 2 of the writ application. However it is made clear that this order will not affect annual valuation, if the same has been revised and fixed by the Municipal authority subsequent to the reduction of annual valuation from Rs. 7,500/- to Rs. 1000/-.