
(2006) 07 PAT CK 0025

In the Patna High Court

Case No : CWJC No's. 4213 and 4287 of 2006

Rai Vimal Krishna and Others

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 24-07-2006

Acts Referred:

Patna Municipal Corporation Act, 1951 — Section 150, 151

Citation : (2006) 3 PLJR 469

Hon'ble Judges : S.N. Hussain, J

Bench : Single Bench

Advocate : Vinay Kirti Singh, Y.V. Giri and J.S. Arora, for the Appellant;

Judgement

S.N. Hussain, J.—Heard learned counsel for the petitioners and learned counsel for the respondents in both the writ cases. The first petition is for issuance of writ of certiorari for quashing the entire proceedings pending before the Commissioner-cum-Chief Executive Officer, Patna Municipal Corporation including the orders of assessments against the petitioners against which objections have already been filed u/s 150 of the Patna Municipal Corporation Act, 1951 (hereinafter referred to as "the Act" for the sake of brevity). The second writ has been filed also for issuance of writ of certiorari for quashing the composite order dated 2.1.2006 passed by the said authority dismissing in default 84 applications filed for review of the assessment orders contrary to the provision of Section 151 of the Act.

2. Learned counsel for the respondent-Corporation submits that the said Commissioner-cum-Chief Executive Officer, Patna Municipal Corporation is holding court on all Sundays to dispose of such matters and if this court fixes any date falling on a Sunday, the said authority will consider the entire grievances and objections of the petitioners within a specific time. In the aforesaid facts and circumstances and specifically on the averments made by the learned counsel for the respondent-Corporation which is said to be on the instruction of the Corporation, both these cases are disposed of with a direction to the

Commissioner-cum-Chief Executive Officer, Patna Municipal Corporation to take up all 149 cases/objections of the petitioners on 13.8.2006 and decide them by speaking order in accordance with law, Rules and the decisions of this court as well as of the Apex Court in the case of Rai Vimal Krishna and Others Vs. State of Bihar and Others, and AIR 2003 Supreme Court 2676 respectively. The said authority will decide all the matters in dispute including the cases which have been dismissed for default as the order of dismissal of such cases in default are hereby quashed. Furthermore, the said authority, namely the Commissioner-cum-Chief Executive Officer, Patna Municipal Corporation will pass the said order within a period of three months and the petitioners will cooperate with the authority on each and every date fixed failing which the authority may pass an ex parte order. If the instant order is not complied as per the aforesaid directions by the authority concerned, the petitioners will be at liberty to move before this court either for any relief or for taking action for disobedience of the order of this Court. However, in the meantime, no coercive steps shall be taken against the petitioners.