
(2012) 09 UK CK 0029

In the Uttarakhand High Court

Case No : Writ Petition (M/S) No. 1857 of 2012

Rajendra Singh Rawat

APPELLANT

Vs

State of Uttarakhand and Others

RESPONDENT

Date of Decision : 10-09-2012

Acts Referred:

Uttar Pradesh Municipalities Act, 1916 — Section 173A

Citation : (2012) 09 UK CK 0029

Hon'ble Judges : Sudhanshu Dhulia, J

Bench : Single Bench

Advocate : Tumul K. Nailwal, for the Appellant; Lalit Miglani, Brief Holder, for the Respondent

Judgement

Hon''ble Sudhanshu Dhulia, J.—Since, dues against the petitioner are pending, which he has not been able to repay, consequently, the Nagar Palika initiated recovery proceedings against the petitioner u/s 173A of the Uttar Pradesh Municipalities Act. Consequently, recovery proceedings have been initiated against the petitioner to recover as arrears of land revenue. The principle contention of the petitioner is that this money, for which recovery proceedings have been initiated against the petitioner, cannot be done in a manner in which it has been done inasmuch as the Nagar Palika could have only initiated recovery against the dues, which are "tax". The money which is to be paid by the petitioner, according to the respondents is, however, not a "tax".

2. Be that as it may Nagar Palika, Tanakpur represented by Mr. M.K. Chand, seeks three weeks time to file counter affidavit.

3. Prayer granted.

4. The petitioner in order to show his bonafide has deposited a sum of Rs. 1,00,000/- (Rupees One lakh only) with respondent No. 3 with a prayer that same may not prejudice his case as far as the present writ petition is concerned, which is admitted by Mr. M.K. Chand, counsel for respondent No. 3.

5. List the matter on 03.10.2012 in the daily cause list. Learned counsel for the petitioner undertakes that before the next date of listing, he shall also deposit a sum of Rs. 50,000/- (Rupees Fifty thousand only) with the Nagar Palika, Tanakpur. In view of the above, the recovery proceedings initiated against the petitioner shall remain stayed till the next date of listing.