
(2000) 01 AHC CK 0102
In the Allahabad High Court
Case No : Writ Petition No. 2652 (M/B) of 1999

Ram Sewak Gupta

APPELLANT

Vs

State of U.P.through the Secretary,Nagar Vikas,Civil
Secretariate,Lucknow & Ors.

RESPONDENT

Date of Decision : 04-01-2000

Acts Referred:

Citation : (2000) 01 AHC CK 0102

Hon'ble Judges : S.H.A.Raza, J and R.D.Mathur, J

Final Decision : Dismissed

Judgement

1. It has been submitted on behalf of the petitioner that the Nagar Nigam has been pursuing two different policy in the matter of collection of the Tehbazari in most part of the City. The Nagar Nigam gave collection of Tehbazari through a contractor after giving opportunity to the contractors to give their tenders but as far as the collection of Tehbazari of Chinhat Bazar is concerned, instead of collecting Tehbazari through contractor, the Nagar Nigam authority collected Tehbazari through its own employees, as a result of which the Nagar Nigam suffers financial loss to the tune of Rs. 7 lacs because the Nagar Nigam gets around Rs. 2,000/ per week only from the Tehbazari. It was submitted that if the Tehbazari would have been collected by the contractor whose tender's bid was highest then the income of Nagar Nigam would have increased considerably.

2. We are of the view that the question as to whether the Nagar Nigam should collect the Tehbazari either from its employees or through a contractor amounts to a policy matter which the Nagar Nigam itself may pursue. The right would have been exercised by inviting tenders and if decision making process of giving Theka to a person is found to be arbitrary then this Court could have certainly intervened.

3. In the present case it does not appear that in the decision making process, the Nagar Nigam has committed any mistake in collection of Tehbazari through its own employees. No doubt, the Nagar Nigam is facing financial crunch and it

would have been better if the Nagar Nigam authority would have explored the ways and means to increase its income. The collection of Tehbazari is one of the main sources of revenue of the Nagar Nigam. It is for Nagar Nigam authority to consider if the amount which they received from its employees is meagre one then they may give Tehbazari right to the contractor after inviting tenders and give the Tehbazari right to any person whose bid would have been highest. The Nagar Nigam may consider this aspect of the matter and then arrive at the decision whether it would worthwhile to collect Tehbazari through its employees or by inviting tenders for which no direction is necessary.

4. With the aforesaid observations, the writ petition is dismissed.

5. However, it will be open to the petitioner to approach the Nagar Nigam in that regard and it is expected that the Nagar Nigam will consider the request of the petitioner.