(2009) 07 PAT CK 0002

In the Patna High Court

Case No : CWJC No. 8738 of 2009

Smt. Indu Devi APPELLANT

Vs

The State of Bihar and Others RESPONDENT

Date of Decision : 30-07-2009

Acts Referred:

Citation : (2009) 4 PLJR 480

Hon'ble Judges : Shiva Kirti Singh, Acting C.J.;Anjana Prakash, J

Bench : Division Bench

Advocate : Badri Narayan Singh, Randhir Kumar Singh, Sunil Kumar Gupta and Sanjay Kumar Pandey, for the Appellant; J.P. Karn and Narendra Kishore Sinha for the State, for the Respondent

Judgement

1. Heard learned counsel for the petitioners and learned counsel for the State in all these writ petitions which have been heard together as they involve common issues of law and facts. The petitioners are owners of motor vehicles who are aggrieved on account of anomalies in the rate of additional tax between the motor vehicles having wheel base of 205" and those of between 114"-167". The petitioners claim that their Mini Buses have wheel base between 114"-167". This common order is being passed on the basis of aforesaid submission and it will be for the authorities to get the submission verified on the basis of individual''s documents of registration or ownership.

2. It is not in dispute that a similar issue has been considered by this court in CWJC No. 16260 of 2007 Reported in Tarakanath Kar Vs. Lipika Kar, and a number of analogous cases and the writ petitions were finally disposed of by order dated 4th March, 2008. Since the case of the petitioners stand on same footing, hence these writ petitions are also disposed of in terms of that very order. As a consequence, liberty is granted to the petitioners to pray before the State Government to provide the benefits as given by Notification Nos. 2518 and 2520 dated 1.7.2004 with retrospective effect to the petitioners'' vehicles also and also for waiver of the penalty in case it is held that they are liable to pay the

additional tax. In case such prayer is made to the State Government within six weeks, the Government shall consider the same in accordance with law within six months from today.

3. Till the decision on the representations is taken, petitioners shall pay road tax at the rate of Rs. 267/- per seat per quarter without any penalty for the period between 16.7.2002 and 17.4.2009.

4. On payment of tax and additional tax as aforesaid, the tax token shall be issued to the petitioners.

5. All the writ petitions are permitted to be withdrawn with liberty and direction aforesaid.

6. Before parting with the matter, we would like to bring on record that this court is concerned with rising a number of similar cases against the Transport Department which are of same nature and have to be disposed of by the same or similar order.

7. In that view of the matter, we requested the Advocate General to have a talk in the matter with the Transport Commissioner, Bihar. We have been informed by the Advocate General that the authorities shall take a final decision in the matter, which they were required to take within six months from 4th March, 2008, without any delay preferably within two months from today. The authorities have also assured that in order to prevent filing of writ petitions by individual vehicle owners, soon a public notice shall be issued extending the benefit given by this court to different writ petitioners, to all other motor vehicle owners who may fall in the same category so that there is no need for individual owners to file different writ petitions in this court. We expect that the authorities and the State Government shall carry out the aforesaid assurance without any delay.

