

(2015) 08 RAJ CK 0101

In the Rajasthan High Court

Case No : Civil Special Appeal(W) No. 1088 of 2011

Vimal Choudhary

APPELLANT

Vs

State of Rajasthan and Others

RESPONDENT

Date of Decision : 05-08-2015

Acts Referred:

Citation : (2015) 08 RAJ CK 0101

Hon'ble Judges : Sunil Ambwani, C.J;Ajit Singh, J

Bench : Division Bench

Advocate : Naina Saraf, Vinod Singhal, S.K. Gupta, Additional Advocate General and P.C. Jain, Advocates for the Respondent

Final Decision : Disposed off

Judgement

1. We have heard Mr. Vimal Choudhary, the appellant, appearing in person.
2. A personal problem of cleanliness of the locality in which the appellant resides, was enlarged by the Court in issuing 16 directions on 31.05.2012. All the directions were in the interest of cleanliness and to maintain hygiene in the City of Jaipur.
3. A compliance report has been submitted, in which learned counsel appearing for the Nagar Nigam, Jaipur, has given the details of the steps taken, in compliance of the directions. The report is reproduced as below:--

"JMC filed the compliance report earlier also in reference to order dated 31.5.12 giving para wise compliance report in relation to the 16 directions issued by the Hon"ble Court. Thereafter, in continuation to the earlier compliance report further compliance report was submitted on 30.05.2013 along with requisite documents/orders. As under:--

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4. We are of the view that sufficient steps have been taken by the Nagar Nigam, Jaipur, in compliances of the directions, and that no further monitoring is

required to be made. The Nagar Nigam has assured that they will continue to take sincere steps in compliance of the directions issued by the Court.

5. Jaipur, as a growing City, has complex civic problems, to be attended by the Municipal Corporation. The citizens must cooperate and contribute on their part in cooperating and assisting the Municipal Corporation in discharging its duties.

6. We are also informed that house tax was abolished, and an Urban Development tax was imposed on the plots having an area of more than 300 sq.yds., and for which accumulated arrears of Rs. 300 crores approximately, is to be paid by the citizens to the Municipal Corporation, Jaipur.

7. The citizens of the Jaipur do not have a right, nor they can expect the Municipal Corporation, Jaipur, JDA, JVVNL and the PHED, to continue to provide services to them, with such arrears of tax. The State Government must consider to impose taxes on all properties irrespective of their plot size, inasmuch as all the citizens living the houses constructed in the City of Jaipur avail the services. The plot size should not be the criteria. The Jawaharlal Nehru National Urban Renewal Mission, has provided sufficient guidelines for bringing in all those areas, which are left out from imposition of property tax in urban areas for satellite imaging and by imposing reasonable and rationale tax for the services rendered. The citizens must contribute by paying taxes, for providing civic services. In our view, every person who owns a building, must pay taxes on such rates as the State Government may deem fit, except "Juggi Joopdi" clusters, where taxes may be imposed collectively. The self assessment is considered to be a best method with random sample survey. The entire details of the urban taxation have been provided in the Jawaharlal Nehru National Urban Renewal Mission, which must be implemented in the cities of Rajasthan. The imposition of tax for services will not only compensate the services, but will also inculcate discipline and participation in the development of the City.

8. As regards the arrears of tax is concerned, the Municipal Corporation, Jaipur must carry out a special drive to recover all the arrears, failing which the electricity and water connections must be disconnected after due notice. The special drive will be undertaken by the Municipal Corporation, every three months, for collection of urban development tax.

9. We appreciate the anxiety of the appellant for maintaining hygiene and cleanliness in the areas, especially the area in which he resides. We hope and trust that the Municipal Corporation, Jaipur will take sufficient steps for fencing of the open areas, which are used for human defecation, and construct sufficient number of public toilets, including toilets constructed and maintained by "Sulabh Shochalaya", to maintain the cleanliness of the area.

10. With the aforesaid observations, the Special Appeal is disposed of. All pending applications are also disposed of.