

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(C) No.984 of 2020
With
I.A. No.2599 of 2020

Arjun Prasad Yadav Petitioner.

-Versus-

1. The State of Jharkhand
2. The Secretary, Urban Development & Housing Department,
Jharkhand, Ranchi.
3. The Deputy Commissioner, Giridih.
4. The Commissioner (Nagar Ayukta),
Giridih Municipal Corporation, Giridih.
5. The Sub Divisional Officer, Giridih.

..... Respondents.

CORAM : HON'BLE MR. JUSTICE RAJESH SHANKAR

For the Petitioner : Mr. Sunil Kumar, Advocate
For the State : Mr. Dipankar, A.C. to A.G.
For Respondent no.4: Mr. Shailendra Kr. Singh, Advocate

Order No.02

Date: 08.07.2020

1. This case is taken up through video conferencing.
2. The present writ petition has been filed for issuance of direction upon the respondent authorities, particularly, the respondent no.4- Commissioner (Nagar Ayukta), Giridih Municipal Corporation, Giridih to keep the notice, as contained in memo no.311/Giridih dated 28th February, 2020, in abeyance, whereby a demand of Rs.39,36,200/- by way of 6th and the last instalment in pursuance of settlement for collection of toll tax from heavy commercial vehicles at different entry points under Giridih Municipal Area for the financial year 2019-2020 has been made. The petitioner has also prayed for quashing the fresh tender notice issued by the respondent no.4 vide memo no.275/Giridih dated 20th February, 2020 (Annexure-7 to the writ petition) for collection of toll tax from commercial vehicles at different entry points under Giridih Municipal Area for the financial year 2020-21 on the ground that if the demand as raised vide impugned memo no.311 dated 28th February, 2020 stands in the name of the petitioner, he would not be able to participate in the settlement process of the next tender for the financial year 2020-21.
3. Heard learned counsel for the parties and perused the contents of the writ petition.
4. The grievance of the petitioner is that after finalization of the earlier settlement for the financial year 2019-20, the petitioner was required

to deposit Rs.2,36,81,000/-. However, the District Administration, Giridih vide memo no.902/Go dated 11th October, 2019 with effect from the said date imposed restriction on entry of heavy commercial vehicles in Giridih Municipal Area from 9:00 a.m. to 9:00 p.m. every day. Due to the said reason, the petitioner was not able to make the required collection which resulted into non-payment of 6th and the final instalment by him in pursuance of the settlement made in his favour for collection of toll tax from heavy commercial vehicles at different entry points under Giridih Municipal Area. The petitioner agitated the said issue before the respondent no.4 and in pursuance of which, the said authority vide order as contained in memo no.1868 dated 25th November, 2019 constituted a committee to enquire into the matter and submit a report. However, the respondent no.4 has not taken any decision on the said issue and in the meantime the impugned letter no.311 dated 28th February, 2020 has been issued to the petitioner.

5. Mr. Shailendra Kumar Singh, learned counsel for the respondent no.4, submits that since in pursuance of the settlement, the assignment of collection of toll tax from heavy commercial vehicles was given to the petitioner, fixing the amount of settlement to the extent of Rs.2,36,81,000/-, the petitioner cannot back out from the same taking an excuse that he has not been able to collect toll tax due to the order passed by the District Administration, Giridih restricting the entry of heavy commercial vehicles during day hours. He, however, submits that an appropriate decision on the present issue shall be taken by the respondent no.4.
6. Having heard learned counsel for the parties, keeping in view the nature of the prayer made in the writ petition and the submissions of the learned counsel for the respondent no.4, without entering into the merit of the claim of the petitioner, this writ petition is disposed of, directing the respondent no.4 to take appropriate decision on the present issue after providing due opportunity of hearing to the petitioner or his representative within a period of six weeks from the date of receipt/production of a copy of this order.
7. I.A. No.2599 of 2020 also stands disposed of accordingly.

(Rajesh Shankar, J.)