



2025:CGHC:90

AFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 6450 of 2024

- Aivaj Dewangan S/o Late Shri Phool Singh Dewangan Aged About 50 Years R/o Trimurti Nagar, Ward No. 31, Chandrashekhar Azad Ward, Nagar Nigam Beergaon, P.S. Urla, Tahsil- Raipur, District- Raipur, C.G.

... Petitioner

versus

1. State Of Chhattisgarh Through The Secretary Department Of Urban Development And Planning, Mahanadi Bhawan, Naya Raipur, P.S. Rakhi, Raipur, District- Raipur, C.G.
2. Chief Secretary General Administration Department, Government Of C.G. Mahanadi Bhawan, Naya Raipur, P.S. Rakhi, Raipur, District- Raipur, C.G.
3. Municipal Corporation, Beergaon Through The Commissioner, Tahsil- Raipur, District Raipur, C.G.
4. M/s Indo Chains Through Managing Director, A Partnership Firm Registered Under The Indian Partnership Act, 1932, Having Its Factory Unit At Industrial Area, Bhanpuri, Raipur, District- Raipur, C.G.

5. Urla Industries Association Through Managing Director A Registered Association Under The Registrar Of Firms And Societies, Erstwhile Madhya Pradesh And Having Its Registered Office At Urla Industries Complex, Urla, Raipur, District - Raipur, C.G.
6. Chhattisgarh Federation Of Industries Through Managing Director A Duly Registered Association Under The Registrar Of Firms And Societies, Erstwhile Madhya Pradesh And Having Its Registered Office At 8-B, Industrial Estate, Bhanpuri, Raipur, District- Raipur, C.G.

... Respondents

(Cause title is taken from Case Information System)

For Petitioner	: Mr. Prateek Sharma, Advocate
For Respondents/State	: Mr. Rishabh Bisen, Panel Lawyer
For Respondent No.3	: Mr. Satish Gupta, Advocate

(HON'BLE SHRI JUSTICE BIBHU DATTA GURU)

Order on Board

02/01/2025

1. By the present writ petition, the petitioner is seeking quashment of the order dated 13/09/2023 (Annexure P/1) passed by the respondent State and also seeking a direction towards the respondents to recover the due amount of municipal taxes from all the factories/industries situated within the municipal limits of Municipal Corporation, Beergaon, from financial year starting from 01/04/2010 onwards, with adequate penalty.
2. (i) Learned counsel appearing for the petitioner would submit that as per the notification dated 22/12/2009, the industrial area falls within 6 villages namely Beergaon, Urla, Achholi, Sarona, Rawabhatha and Urkura were also included under the municipal

limits and jurisdiction of Municipal Council Beergaon. He would further submit that the Municipal Council, Beergaon was upgraded as Municipal Corporation, Beergaon whereby the limits of Municipal Council, Beergaon was declared the limits of Municipal Corporation Beergaon. He would submit that with the efflux of time, the taxes of municipalities increased and the last fixation was done on 16/02/2015 and 23/03/2015.

(ii) According to the learned counsel, the powers of taxation of municipalities are prescribed under Section 132 to 142 under Chapter IV of Municipal Corporation Act, 1956 and the same is to be imposed and recovered in the financial year, thereafter the penalty is prescribed. Learned counsel would next submit that the rich, influential, powerful industrialists are deliberately provided undeclared exemption from payment of municipal taxes, despite imposition of the same every year in budget as expected income of Municipal Corporation, Beergaon. He submit that the petitioner is continuously making representations from 15/02/2016 onwards before all the competent authorities including respondent State but to no avail.

3. On the other hand, learned counsel for the respondents/State would submit that the impugned order dated 13/09/2023 has been passed by the respondent State in the public interest and the petitioner filed the present petition in his personal capacity despite the fact that he has no locus to challenge the same.
4. I have heard learned counsel for the parties and perused the documents.

5. From perusal of the order impugned, it is manifest that the same has been passed by the Department of Urban Administration and Development, Government of Chhattisgarh in the public interest and to give exemption to the industries so as to they may establish the industries in the State. The petitioner filed the present writ petition in his personal capacity whereas the matter involves larger public interest and as such if the petitioner wish to challenge the same, he may file a Writ Petition (Public Interest Litigation) before the appropriate forum.
6. It is the trite law that ordinarily, the person who seeks a relief under Article 226 of the Constitution of India must have personal or individual right in the subject-matter and the word “ordinarily” includes, a person who has been prejudicially affected by an act or omission of an authority.
7. It is also the settled law that a person shall have no *locus standi* to file a writ petition if he is not personally affected by the impugned order or his fundamental rights have neither been directly or substantially invaded nor is there any imminent danger of such rights being invaded or his acquired interests have been violated ignoring the applicable rules. (See: ***Vinoy Kumar v State of U.P. and Others***)¹.
8. For the reasons mentioned hereinabove, the writ petition is dismissed at the motion stage itself as not maintainable however, liberty is granted to the petitioner to file a WP(PIL) before the appropriate forum, if so advised.

1 (2001) 4 SCC 734

9. It is made clear that this Court has not expressed any opinion on the merits of the matter.

Sd/-
(BIBHU DATTA GURU)
JUDGE

Gowri/

\$. Bhilwar

Head Note

WPC No. 6450 of 2024

A person shall have no *locus standi* to file a writ petition if he is not personally affected by any order/action or his fundamental rights invaded or violated.

किसी व्यक्ति द्वारा रिट याचिका प्रस्तुत किये जाने पर उसे सुने जाने का कोई अधिकार नहीं होगा, यदि वह किसी आदेश/कार्यवाही से व्यक्तिगत रूप से प्रभावित न होता हो या उसके मौलिक अधिकारों का अतिक्रमण या उल्लंघन न होता हो।