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IN THE HIGH COURT OF KARNATAKA AT BANGALORE

Dated : This the 16th day of June, 1997

BEFORE

THE HON'BLE MR.JUSTICE P.VISHWANATHA SHETTY

WRIT PETITION NOS.38564 & 38565 OF 1995

BETWEEN :

1. Sri B.V.Narayanaswamy,  
s/o Sri Venkatappa,  
major, residing at No.236,  
out-house, II Cross, II Main,  
Hanumanthanagar, Bangalore-19.

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PETITIONER in  
W.P.38564/95.

2. Sri M. Javaraiiah, s/o  
late Sri Mayanna Gowda,  
major, residing at No.236,  
Main House, II Cross,  
II Main, Hanumanthanagar,  
Bangalore-19.

PETITIONER in  
W.P.38564/95.

(By Sri R.B.Sadasivappa, Advocate)

AND

1. The Rent and Accommodation  
Controller, West Range,  
Podium Block, Bangalore-1.
2. The Special Deputy Commis-  
sioner, Bangalore District,  
Krishi Bhavan, Hudson  
Circle, Bangalore-2.
3. Smt M.Parvathi, w/o  
Sri M.P.Madappa, working  
as Clerk, Sericulture  
Department, Silk Exchange,  
Cubbonpet, Bangalore-2.

RESPONDENTS.

(By Sri Shimoga Subbanna,  
HCGP for R-1 and R-2;  
Sri Narayana Sharma, Y.K.,  
Advocate for R-3).

Both these writ petitions are filed under Articles 226 and 227 of the Constitution of India praying to quash Annexure-B dated 19.6.95 passed by R-1 and Annexure-C dated 27.10.95 passed by R2.

The petitions coming on for hearing this day, this court made the following:


O R D E R

Sri Subbanna, learned Government Pleader is directed to take notice for the respondents 1 and 2.

2. In these petitions, the petitioners have prayed for quashing the order dated 27.10.1995 a copy of which has been produced as Annexure-C passed by the 2nd respondent confirming the order dated 19.6.1995 passed by the 1st respondent- a copy of which has been produced as Annexure-B.

3. In order at Annexure-B the 1st respondent has treated the premises in question as vacant and allotted the same to the 3rd respondent.

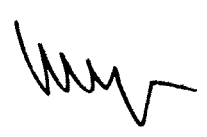
4. By means of Notification dated 24.4.95 which was published in Karnataka Gazette dated 4.5.95, it has been notified that the provisions of Sections 4, 5, 9 and 10-A of the Karnataka Rent Control Act will cease to



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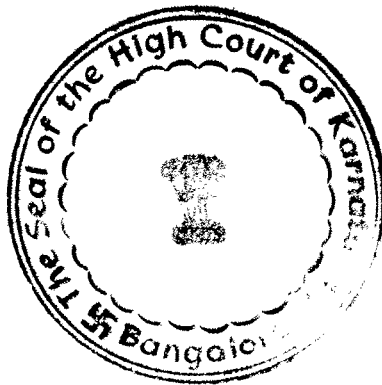
be applicable within the limits of Bangalore City. Admittedly, the order Annexure-B came of to be passed on 19th/June. It is not in dispute that the premises in question is situated within the limits of Bangalore City. Therefore, it is clear that the Order-Annexure-B which came to be passed subsequent to the Government Notification dated 24.4.95 notifying that the provisions of Sections 4, 5 and 10-A to of the Act cease to have application/Bangalore city has no legs to stand and the same is liable to be quashed. Consequently, Order-Annexure-C dated 27.10.95 passed by the 2nd respondent rejecting the appeal filed against Order-Annexure-B is also liable to be quashed.

5. Accordingly, Order-Annexure-B dated 19.6.1995 passed by the 1st respondent and Order-Annexure-C dated 27.10.1995 passed by the 2nd respondent are hereby quashed.



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are ✓  
In terms stated above, this petition ~~is~~ allowed.  
Rule issued is made absolute.

6. Sri S. Subbanna, learned Government  
Pleader is given four weeks' time to file his  
memo of appearance.



Sd/-  
JUDGE

jm  
pmg/