

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 28TH DAY OF MARCH, 2014

B E F O R E

THE HON'BLE MR. JUSTICE A.N. VENUGOPALA GOWDA

WRIT PETITION NO.13576/2014 (LB-BMP)

BETWEEN:

ANANDACHARI, S/O LATE GURUVACHARI
AGED ABOUT 70 YEARS
OCC: RETD. PHARMACIST
R/AT NO.648, BDA QUARTERS
7TH MAIN ROAD, 3RD PHASE
2ND STAGE, DOMMALUR
BANGALORE – 560 071.

... PETITIONER

(BY SRI V. SRINIVAS, ADV.)

AND:

1. THE COMMISSIONER
BANGALORE BRUHAT MAHANAGARA PALIKE
N.R. SQUARE,
BANGALORE - 560 002.
2. THE ASST. EXECUTIVE ENGINEER, BBMP,
YELAHANKA SUB-DIVISION (ENGINEER SECTION)
NEAR ANJANEYA TEMPLE
BBMP OFFICE ROAD
BANGALORE – 560 064.
3. THE ASST. ENGINEER, BBMP,
OFFICE OF AEE, WARD NO.01
(ENGINEER SECTION)
YELAHANKA SUB-DIVISION
NEAR ANJANEYA TEMPLE

BBMP OFFICE ROAD
BANGALORE 560 064.

... RESPONDENTS

THIS PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO CALL FOR THE ENTIRE RECORDS AND QUASH THE ORDER DATED 6.3.2014 PASSED IN APPEAL NO.187/2014 ON THE FILE OF KARNATAKA APPELLATE TRIBUNAL ON I.A.NO.1 VIDE ANNEXURE-K TO THE W.P. & CONSEQUENTLY ALLOW THE APPLICATION & GRANT AN AD-INTERIM STAY OF ALL FURTHER PROCEEDINGS PURSUANT TO THE NOTICE DATED 26.12.2013 PASSED UNDER 321(3) OF THE KMC ACT PENDING DISPOSAL OF THE APPEAL BEFORE THE HON'BLE KARNATAKA APPELLATE TRIBUNAL (CH NO.2).

THIS PETITION COMING ON FOR ORDERS THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

Sri V.Srinivas, learned advocate for the petitioner submitted that the petitioner may be permitted to withdraw the writ petition and file an application in Appeal No.187/2014, pending on the file of the Karnataka Appellate Tribunal for stay of the order impugned in the appeal passed under Section 321(3) of the Karnataka Municipal Corporation Act, 1976 by the respondents, after service of notice of the appeal on the respondents is complete.

Submission of learned counsel is recorded and the writ petition is disposed of as withdrawn. It is open to the petitioner to renew the prayer in IA.No.1/2014 filed in the said appeal, after service of emergent notice on the respondents is complete.

Sd/-
JUDGE

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