

IN THE HIGH COURT OF KARNATAKA, AT BENGALURU

DATED THIS THE 28TH DAY OF FEBRUARY, 2017

BEFORE

THE HON'BLE MR. JUSTICE RAGHVENDRA S.CHAUHAN

WRIT PETITION No. 10487/2016 (LB-BMP)

BETWEEN

Smt. Kala Devraj
W/o, Late B.R. Devarj
Aged: about Years
R/a, Balaji Nivas, No.5/2
Ashwatha Katte Road
V V Puram Bangalore-560004

... PETITIONER

(By Sri./Smt : V V GUNJAL., Advocate)

AND

1. Bruhat Bengaluru Mahanagara Palike
Rani Chennamma Circle
Bengaluru 560 002
By its Commissioner
2. Bangalore Metropolitan Task Force
Office of Bruhat Bengaluru Mahanagara Palike
Rani Chennamma Circle
Bengaluru 560 002
By its Additional Commissioner of Police.
3. Assistant Executive Engineer
Gandhinagar Sub Division
Bruhat Bengaluru Mahanagara Palike
Gandhinagar, Bengaluru 560 009

4. Sri. D.N. Mohan
Aged about 54 years
S/o, Nagendrasa
5. Smt. D.M. Gandu Bai
Aged about 46 years
W/o, D.N. Mohan
6. Sri D.M. Kishan
Aged about 26 years
S/o, D.N. Mohan
All R/o, No. 17, 4th Cross
Malleshwaram, Bangalore-560 003
7. The Chief Engineer
Karnataka Lok Ayukta
MS Building, Dr B R Ambedkar Veedhi
Bangalore - 560 001

... RESPONDENTS

This Writ Petition is filed under Articles 226 & 227 of the Constitution of India praying quash the Annexure-F dated: 8.4.2013 issued by the 3rd Respondent which contrary to the building bye-laws of the Bruhat Bengaluru Mahanagara Palike, 2003 (Karnataka Municipal Corporation Act 1976 and as the same is secured without disclosing that there is a common passage towards the left side and hind side and direct removal of excessive construction and secure fresh license by giving proper plot are and also keeping open the common passage free and accessible. Direct the Bangalore Mahanagara Palike to remove that the municipal byelaws removed part structure which exceed and in violation of the building bye-laws and contrary to the sanctioned plan exercising its statutory powers. Direct the 1st to 3rd Respondents that in the event of any common passage are common passages

on the property or easmentary rights/paths adjacent to the plot of the proposed construction it should be clearly voluntarily disclosed by way of declaration and rights terms conditions of such usage/customary usages along with the application for sanction of plans as the rights under them will be necessary for the determination of set-backs, far etc, under the Karnataka Municipal Corporation Act building bye laws.

This Writ Petition coming on for orders on this day the court made the following order.

ORDER

Three weeks time is granted to comply with the office objections, failing which, the petition will stand automatically dismissed without further reference to Court.

Sd/-
JUDGE

T By : JAY

C By : R

R By : JAY

COPY
Sd/-
ASSISTANT REGISTRAR