

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF APRIL, 2019

BEFORE

THE HON'BLE MR. JUSTICE B.VEERAPPA

WRIT PETITION NOS.20119-20120/2019(LB-BMP)

BETWEEN:

1.SRI P JAGADISH
S/O BALARAMA GUPTHA
AGED 62 YEARS.
SENIOR CITIZEN NOT CLAIMED

2.SMT P SUDHA
W/O P JAGADISH
AGED 60 YEARS
SENIOR CITIZEN NOT CLAIMED

BOTH ARE RESIDING AT #695,
10TH A MAIN ROAD,
34TH CROSS, 4TH BLOCK,
JAYANAGAR,
BENGALURU – 560 011

...PETITIONERS

(BY SRI. M.B. CHANDRA CHOODA, ADV.)

AND:

1. THE COMMISSIONER
BRUHATH BENGALURU MAHANAGARA PALIKE,
HUDSON CIRCLE,
BENGALURU – 560 009.

2. THE ASSISTANT EXECUTIVE ENGINEER
VASANTHANAGARA SUB DIVISION
MEENAKSHMI KOIL STREET
BRUHATH BENGALURU MAHANAGARA PALIKE,
BENGALURU – 560 001.

3. THE ASSISTANT ENGINEER
BRUHATH BENGALURU MAHANAGARA PALIKE,
WARD NO 93,
VASANTHANAGARA SUB DIVISION
BENGALURU – 560 001. ...RESPONDENTS

(BY SRI. K.N. PUTTEGOWDA, ADV.)

THESE WRIT PETITIONS ARE FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE NOTICE DATED 12.04.2019 ISSUED U/S 321(1) OF THE KMC ACT 1976 AND NOTICE DATED 12.04.2019 ISSUED U/S 321(2) OF THE KMC ACT 1976 VIDE ANNX-D & E RESPECTIVELY, ISSUED BY THE RESPONDENT NOS.2 AND 3.

THESE WRIT PETITIONS COMING ON FOR
PRELIMINARY HEARING THIS DAY, THE COURT MADE THE
FOLLOWING;

ORDER

The petitioners have filed the present writ petitions praying to quash the notices, both dated 12.04.2019, as per Annexures – D and E, issued under Section 321(1) and (2) of the Karnataka Municipal Corporations Act, 1976 (for short, 'the Act').

2. It is the case of the petitioners that they are the owners of the property bearing khata No.10 old no.37 situated at Kumarapark West Extension, Sankey Road, Sampangiramnagar, Block No.12, BBMP Ward No.77, Bengaluru having purchased the same under registered sale deed dated 05.06.2003. Thereafter they have obtained sanction plan on 17.10.2016. The construction of the building has been completed as per the sanction plan. Respondent Nos.2 and 3 have issued notices on 12.04.2019. Same were served on the petitioners on 26.04.2019. Hence the present writ petitions are filed.

3. I have heard learned counsel for the parties to the lis.

4. Sri M.B Chandrachooda, learned counsel for the petitioners contended that the notices as at Annexures- D and E reflect that within seven days' time objections have to be filed, failing which action will be taken. According to him, the notices dated 12.04.2019 are served on the petitioners only on 26.04.2019. Therefore it is highly impossible to the petitioners to file objections within seven days' time to the impugned notices issued by the Corporation. He would further contend that respondent Nos.2 and 3, without any authority of law have issued the said notices. On these grounds, learned counsel sought to allow the writ petitions.

5. Per contra, Sri K.N. Puttegowda, learned counsel for the respondents - Corporation rightly submitted that the petitioners have to file objections within seven days' time from the date of receipt of the copy of

the notice dated 12.04.2019, as per Section 321 of the Act.

6. In view of the peculiar facts and circumstances of the case, this Court is of the considered view that a reasonable time has to be granted to the petitioners to file objections. Hence, the petitioners are granted seven days' time from today to file objections to the notices issued by the Corporation dated 12.04.2019 and the respondents shall consider the same and pass appropriate order in accordance with law. Till such consideration, the petitioners shall not proceed with further construction and the respondents shall not take any precipitative action against the petitioners.

Accordingly writ petitions are disposed of.

Sd/-
JUDGE

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