



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 28<sup>TH</sup> DAY OF DECEMBER, 2023**

**BEFORE**

**THE HON'BLE MR JUSTICE M.G.S. KAMAL**

**WRIT PETITION NO. 29327 OF 2023 (LB-BMP)**

**BETWEEN:**

SRI K.G. ASHWATH  
S/O LATE DHAKTAPPA  
AGED ABOUT 73 YEARS  
NO.79/4, VANI VILAS ROAD  
BANGALORE-560 004.

...PETITIONER

(BY SRI. SATHISH KUMAR J., ADVOCATE)

**AND:**

1. BRUHAT BENGALURU MAHANAGARA PALIKE  
OFFICE AT N R SQUARE  
BENGALURU-560 002  
REPRESENTED BY ITS CHIEF COMMISSIONER.
2. OFFICER DEPUTED BY ASSISTANT DIRECTOR OF  
CITY PLANNING SOUTH AND ZONAL COMMISSIONER  
MAHANAGARA PALIKE COMMERCIAL COMPLEX  
9TH CROSS ROAD, 9TH MAIN ROAD  
2ND BLOCK, JAYANAGAR, BANGALORE-560 011.
3. ASSISTANT EXECUTIVE ENGINEER  
BRUHATH BENGALURU MAHANAGARA PALIKE  
9TH CROSS ROAD, 9TH MAIN ROAD  
2ND BLOCK. JAYANAGAR  
BENGALURU-560110

...RESPONDENTS

Digitally  
signed by  
SUMA B N  
Location:  
High  
Court of  
Karnataka



(BY SRI. PAWAN KUMAR, ADVOCATE FOR R1 TO R3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO a) QUASH THE PROVISIONAL ORDER BEARING NO.SAM SA NI NAYO (DA)/PO/164/2023-24 DATED 29/11/2023 ISSUED BY RESPONDENT NO.2 AND R3 PRODUCED AS ANNEXURE-D AND QUASH THE NOTICE BEARING NO. SAM SA NI NAYO (DA)/PO/164/2023-24 DATED 29.11.2023 ISSUED BY THE R-2 AND R3 PRODUCED AS ANNEXURE-E ETC.

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

**ORDER**

Sri.Pawan Kumar, learned counsel takes notice for respondents.

Short grievance of the petitioner is that respondent authorities having issued notice at Annexure-E dated 29.11.2023 under Section 248(2) of BBMP Act, 2020, without even providing an opportunity to the petitioner to file his response have even issued confirmation order under Section 248(3) of the BBMP Act. Petitioner submits that the respondents have not even provided sufficient opportunity to the petitioner.



2. Sri.Pawan Kumar, learned counsel undertaking to represent respondents submits that petitioner has alternate and effective remedy by way of filing an appeal provided under the Act before the Chief Commissioner.

3. In view of the effective alternate remedy being available to the petitioner, petitioner is relegated to file appeal within a period of 15 days from the date of receipt of certified copy of this order, which shall be adjudicated in accordance with law. Respondent authorities shall not precipitate the matter till the petitioner files the appeal within 15 days as above.

Petition is disposed of accordingly.

Sri.Pawan Kumar, learned counsel is permitted to file vakalath for respondents within two weeks.

**Sd/-**  
**JUDGE**