

(2010) 03 KAR CK 0200

In the Karnataka High Court

Case No : Writ Petition No. 9440 of 2010

A. Lakshminarayan Herale represented by his GPA Holder,
Prakash Shetty

APPELLANT

Vs

The Commissioner, Bangalore Mahanagara Palike, The
Executive Engineer, B.B.M.P., Basavanagudi Range and L.
Hanumanthe Gowda

RESPONDENT

Date of Decision : 29-03-2010

Acts Referred:

Citation : (2010) 03 KAR CK 0200

Hon'ble Judges : A.S. Bopanna, J

Bench : Single Bench

Advocate : Ravi L. Vaidya, for the Appellant; Ramanjaneya Gowda, for R-1 and R-2, for the Respondent

Judgement

A.S. Bopanna, J.—Sri. Ramanjaneya Gowda, learned standing Counsel for the respondents No. 1 and 2 to accept the notice and file the vakalath within a period of four weeks. Considering the nature of disposal, notice to respondent No. 3 is unnecessary.

2. The petitioner is before this Court seeking for issue of mandamus to direct the respondent No. 2 to consider and take necessary action on the complaint lodged by him on 16.02.2010 as at Annexure - "E".

3. The case of the petitioner is that the petitioner and respondent No. 3 are the owners of the property, which are adjacent to each other. The petitioner contends that respondent No. 3 has undertaken certain construction activity in his site, which is adjacent to the property belonging to the petitioner. According to the petitioner, the said construction is contrary to the building bye-laws of B.B.M.P., and the same is being done without obtaining the sanctioned plan from the B.B.M.P.

4. Learned Counsel for respondents No. 1 and 2 would however point out that

since the petitioner has produced a copy of the representation as at Annexure - "E", the same would be looked into by the respondent No. 2 and after notifying the respondent No. 3, if there is any violation in putting up the construction, appropriate action, in accordance with law, would be initiated.

5. In the light of the above, the only direction to be issued is to direct the respondent No. 2 to take note of the grievance said to have been put-forth by the petitioner as at Annexure - "E" after notifying the respondent No. 3, seek for all details and if it is found that they are putting up any construction contrary to law, take appropriate action in accordance with law.

6. In order to hasten the process, the petitioner is permitted to file one more copy of the representation along with the certified copy of this order with the respondent No. 2 within one week from the date of receipt of this order. Immediately thereafter, the respondent No. 2 shall take action, in accordance with law, after notifying the respondent No. 3 and ii it is found that there is any violation. It is made clear that any action to be initiated against respondent No. 3 shall be in strict compliance of principles of natural justice and the statutory provision. Either way, respondent No. 2 shall intimate the petitioner one way or the other, as expeditiously as possible, but not later than three weeks from the date of filing of the representation before the respondent No. 2.

7. In terms of the above, the petition stands disposed of. No order as to costs.