

(2024) 11 KAR CK 0050

In the Karnataka High Court

Case No : Writ Petition No. 30033 Of 2024 (LB-BMP)

B. R. Dilip kumar

APPELLANT

Vs

Zonal Commissioner & Others

RESPONDENT

Date of Decision : 08-11-2024

Acts Referred:

Bruhat Bengaluru Mahanagara Palike Act, 2020 — Section 248(3), 253

Citation : (2024) 11 KAR CK 0050

Hon'ble Judges : B M Shyam Prasad, J

Bench : Single Bench

Advocate : Giridhar S V, Pawan Kumar

Final Decision : Disposed Of

Judgement

B M Shyam Prasad, J

The petitioner is the owner of the property bearing No.8, PID No.27-62-8] of Gubbi Thotadappa Road, BBMP Ward No.94 [the subject property]. The petitioner is issued with the Confirmation Order dated 07.10.2024 [Annexure-C] under Section 248 (3) of the Bruhat Bengaluru Mahanagara Palike Act, 2020 [for short, 'BBMP Act']. The petitioner has also availed statutory remedy as against such order under Section 253 of the aforesaid Act.

The cause for the present petition as is canvassed by Sri S.V.Giridhar, the learned counsel for the petitioner, is that the appeal with the request for interim order is yet to be taken up, but there is threat of immediate demolition. The learned counsel proposes to rely upon certain circumstances to justify the apprehension that there would be immediate demolition. Significantly, the learned counsel submits that his instructions are that the appellate authority is scheduled to take up the appeals, including the appeals listed for the first time, on Saturdays in a month excluding the second and fourth Saturdays. Sri Pawan Kumar, a learned standing counsel for the respondents, who is called upon to accept notice, is heard in the light of this submission.

The learned counsel does indeed affirm that the appellate authority is scheduled to take up the appeals under Section 253 of the BBMP Act on Saturdays in a month excluding the second and fourth Saturdays. If the petitioner's appeal is to be taken up at a later date but there is demolition in the meanwhile, the statutory remedy would be rendered infructuous. Therefore, there must be an order protecting the petitioner's interest but that must be subject to the condition that the petitioner shall not put up any further construction without leave of the appellate authority. In the light of the afore, the petition is disposed of directing the respondents not to take coercive measures for a period of six [6] weeks directing the petitioner not to put up any construction howsoever henceforth unless there is specific orders by the appellate authority.