

(2013) 06 KAR CK 0189

In the Karnataka High Court

Case No : Writ Petition No. 50856 of 2012 (S-RES-PIL)

Basavanagouda Patil and Others

APPELLANT

Vs

State of Karnataka and Others

RESPONDENT

Date of Decision : 03-06-2013

Acts Referred:

Consumer Protection Act, 1986 — Section 13(3-A)

Citation : (2013) 4 KarLJ 183

Hon'ble Judges : D.H. Waghela, C.J;B.V. Nagarathna, J

Bench : Division Bench

Advocate : Jayna Kothari, for the Appellant; R. Devdas, Additional Government Advocate, Sri Nagendra Kumar for Ganapathi Bhat Associates, for the Respondent

Final Decision : Disposed Off

Judgement

B.V. Nagarathna, J.—This writ petition which is filed in public interest has sought the following prayers: (A) Issue a writ or direction in the nature of mandamus directing the 1st and 2nd respondents to fill up all vacancies of Members in the respondent 3-State Commission and all the District Forum in Karnataka where there are currently vacancies within a fixed time period;

(B) Pass a writ or direction in the nature of a mandamus or any other direction directing respondents 1 and 2 to establish an independent District Forum each in the Districts of Ramanagara, Chikkaballapur and Yadgir Districts;

(C) Direct the respondent 3-State Commission and the District Fora to dispose of all complaints and appeals strictly within the period of 3 months or 5 months as provided for u/s 13(3-A) of the Consumer Protection Act, 1986;

(D) Pass a writ or direction in the nature of a mandamus, directing the respondent 1 to establish the State Consumer Protection Council in the State of Karnataka.

(E) Pass a writ or direction in the nature of a mandamus or any other direction,

directing the respondent 1 to establish the District Consumer Protection Councils at Bangalore Rural, Chickmagalur, Dakshina Kannada and Kodagu District of State of Karnataka and any other Districts where the Councils have not been set up or are not functional;

(F) Pass any appropriate writ or direction directing the respondents 1 and 3 to set up an Additional Bench of the 3rd respondent-State Commission in Karnataka in order to deal with the pending cases as mandated by the National Commission;

(G) Pass orders directing the respondents 1 and 3 to appoint administrative staff in all the vacancies at all the District Forums across Karnataka within a fixed time frame;

(H) Pass orders directing the respondent 1 to provide the mandated infrastructural facilities to the State Commission as mandated under the National Commissioner Guidelines;

(I) Pass orders directing the respondents to draft and submit annual or biannual reports on the level of implementation of the Consumer Protection Act, 1986 and the State Rules and the National Commission Guidelines in the State of Karnataka for the next 3 years to the Hon"ble High Court of Karnataka and also the National Commission.

(J) Grant any other relief that this Hon"ble Court deems fit in the interest of justice and equity.

The writ petition has been listed before the Court on several dates. On the last date of hearing i.e. on 1-4-2013, learned Counsel for the petitioners had submitted a memo listing the vacancies of posts in various Consumer Fora with details thereof and a copy of the same was supplied to the respondents' Counsel. The hearing was adjourned to today in order to report about the filling up of vacancies by the respondents in the interregnum. 2. Learned Counsel for the petitioners today submits that the selection process has been underway and she also submits that respondent 3 has prepared the list of the selected candidates and the same would have to be approved by the State Government for the purpose of making appointment to the vacant posts.

3. Learned Counsel for respondent 3 as well as learned Additional Government Advocate also submit that the State Government would have to approve the list of selected candidates and in that regard the list of selected candidates would have to be forwarded by respondent 3 to respondent 2 and if the same is done, then the appointments could be made. The submission of the learned Counsel for the respondents in this regard is recorded.

4. Therefore, the grievance of the petitioners with regard to filling up of vacancies to Members has been assuaged by way of this writ petition. Therefore, we direct respondent 3 to send the list of the selected candidates to the State Government within a period of one week from today. If the same is forwarded to the State Government, then within a period of three weeks therefrom, the

appointments shall be made to the vacant posts.

5. As far as the other reliefs sought by the petitioners are concerned, though the learned Counsel for the petitioners has drawn our attention to certain documents necessitating steps to be taken with regard to setting up of an additional Bench in the State Forum and also setting up of New District Fora in the new Districts carved out recently, in the absence of any representation being made in that regard before the concerned Authorities, it would be futile and improper to issue any direction to the respondent-Authorities to take action in that regard. Therefore, liberty is reserved to the petitioners to make a representation to the concerned Authorities, with regard to the other grievances that have been ventilated in this writ petition. If such a representation is made to the respondent-Authorities, the same to be considered in accordance with law within a reasonable time. In case the petitioners still have any remaining grievance with regard to implementation of the Consumer Protection Act, they are at liberty to approach this Court. With the aforesaid directions and observations, this writ petition is disposed of.