

(1983) 06 KAR CK 0029
In the Karnataka High Court
Case No : WP 11560/83

Kalasannavar, P.D.

APPELLANT

Vs

Divisional Commissioner, Belgaum and Others

RESPONDENT

Date of Decision : 27-06-1983

Acts Referred:

Karnataka Panchayats Control of Erection of Buildings Rules, 1960 — Rule 5
Karnataka Village Panchayat and Local Boards Act, 1959 — Section 36(3)

Citation : (1983) 2 KarLJ 344

Hon'ble Judges : M. P. Chandrakantaraj Urs, J

Judgement

1. This petition is directed against the order of the Dvnl. Commr., Belgaum dt. 14-3-1983 passed in Revn. Petn. No. VPC RA 31/82-83. The revision petitioner therein was the appellant before the Asst. Commr., Bailhongal Sub Dvn., Bailhongal, Belgaum Dist., under S. 53 (4) of the Village Panchayat and Local Boards Act (hereinafter referred to as "the Act"), 1959 erroneously described as an appeal under S. 200 of the Act by the 2nd respondent Asst. Commr. That appeal came to be filed by the revision petitioner before the Dvnl. Commr. on account of the building licence granted to the present writ petitioner, respondent 5 herein. That appeal was dismissed on the sole ground that the appellant did not have any locus standi to prosecute the appeal. Aggrieved by the same, 3rd respondent Manohar Lingappa Yeligod preferred the revision petition before the Dvnl. Commr.-1st respondent herein. A perusal of the Dvnl. Commr.'s order clearly indicates that the revision petitioner before him had locus standi to move for cancellation of the building licence granted to the writ petitioner. He also came to the conclusion that the Village Panchayat's resolution was not in accordance with S. 36 (3) of the Act inasmuch as the application of the writ petitioner for grant of building licence was not displayed on the notice board of the Panchayat for two days prior to its consideration.

2. I do not see any infirmity in the conclusion reached by the Dvnl. Commr.

3. The learned counsel appearing for petitioner drew my attention to R. 3 of the

Karnataka Panchayats Control of Erection of Building Rules, 1960 which does not specify the minimum number of days by which the notice is required to be displayed on the notice board in the Village Panchayat Office. But it only provides for the maximum number of days. The failure to mention the minimum period for which notice will have to be displayed will not affect the legal position as the Act itself provides for display of two days. Therefore, this petition is misconceived and does not call for interference.

4. This writ petition is rejected at the stage of preliminary hearing.