

(2017) 08 KAR CK 0027
In the Karnataka High Court
Case No : 222 of 2015 (LB-BBMP)

MR.JOSEPH PETER S/O LATE HARRY JOSEPH, & ANR.	APPELLANT
Vs	
SMT.M.R.DHANALAKSHMI W/O M.N.RAMMOHAN, & ORS.	RESPONDENT

Date of Decision : 29-08-2017

Acts Referred:

Citation : (2017) 08 KAR CK 0027

Hon'ble Judges : Subhro Kamal Mukherjee, P.S.Dinesh Kumar

Bench : DIVISION BENCH

Advocate : HAREESH T. BHANDARY, ARUN BHAT, V.SREENIDHI

Final Decision : Dismissed

Judgement

1. Although the writ appeal is barred by limitation, as requested by Mr.Hareesh T. Bhandary, learned advocate appearing for the appellants, we consider the writ appeal on merits.
2. By the order impugned, the Hon'ble Single Judge directed an inspection by the Bruhat Bengaluru Mahanagara Palike and directed the Bruhat Bengaluru Mahanagara Palike to take steps in the event there has been any violation of the building plan in making the construction.
3. The respondent No.6 in the writ petition is the appellant. He has, already, filed a suit claiming title in relation to a portion of the property, on which the construction is made.
4. An order of injunction has been obtained, only, to the extent, not to interfere with the alleged possession of the respondent No.6.
5. Admittedly, there is no order restraining the writ petitioner from making any construction. The writ petitioner has a sanctioned building plan and she is entitled to make construction, only, as per the sanctioned building plan.
6. We, therefore, do not find any merit in the writ appeal requiring interference.

7. The application for condonation of delay stands dismissed. Consequently, the writ appeal is, also, dismissed.

8. In view of the dismissal of the writ appeal, the pending interlocutory applications do not survive for consideration and are, accordingly, dismissed.

9. We make no order as to costs.