

(2017) 01 KAR CK 0362
In the Karnataka High Court
Case No : 3908 of 2016 (LB-BMP)

MRS. KIRTIDA M SHET W/O MUKESH.P. SHET	APPELLANT
Vs	
THE COMMISSIONER BRUHATH BANGALORE MAHANAGARA PALIKE, & ANR.	RESPONDENT

Date of Decision : 30-01-2017

Acts Referred:

[Karnataka Municipal Corporations Act, 1976](#), [Section 321\(1\)](#), [Section 321\(2\)](#), [Section 321\(3\)](#) - Demolition or alteration of buildings or well-work unlawfully commenced, carri

Citation : (2017) 01 KAR CK 0362

Hon'ble Judges : Subhro Kamal Mukherjee, Budihal R.B.

Bench : DIVISION BENCH

Advocate : MADHUSUDHAN M N, V SREENIDHI

Final Decision : Dismissed

Judgement

1. This appeal is filed against the judgment and order passed by the Hon'ble Single Judge, dismissing the petitions filed against the order passed by the Karnataka Appellate Tribunal.

2. The Corporation issued a notice under Section 321(1), (2) and (3) of the Karnataka Municipal Corporations Act, alleging violation of building by-laws and sanctioned building plan.

3. The notice was challenged by the petitioner before the Appellate Tribunal and the Appellate Tribunal dismissed the case.

4. When the matter was taken to this court by filing writ petitions, by order dated August 11, 2016, this court directed the Corporation to make a spot inspection of the disputed property.

5. In the inspection conducted, it appeared there has been deviation to the extent of 34.32% per centum contrary to the building by-laws and sanctioned

building plan. Consequently, the Hon''ble Single Judge dismissed the writ petitions.

6. We do not find any merit in the writ appeal requiring interference of the order of the Hon''ble Single Judge.

7. The appeal is, therefore, dismissed.

8. However, it shall be open to the appellant to apply for regularization in accordance with law. We express no opinion on the merits of the matter.

9. We make no order as to costs.