courtkutchehry.com

Company : CourtKutchehry
Website : www.courtkutchehry.com
Printed For :
Date : 17/09/2026

(2014) 01 KAR CK 0274

In the Karnataka High Court

Case No : Writ Appeal Nos. 7192 and 3731 to 3743 of 2012 (LB-Res)

Mysore City Corporation and Another — APPELLANT

Vs

Smt. M.S. Pushpavalli and Others — RESPONDENT

Date of Decision : 21-01-2014

Acts Referred:

Karnataka Municipal Corporations Act, 1976 — Section 114

Citation : (2014) 2 AKR 700 : (2014) 2 KarLJ 353 : (2014) 3 KCCR 2722

Hon'ble Judges : Rathnakala, J;N.K. Patil, J

Bench : Division Bench

Advocate : Geetha Devi M.P. for M.P. Associates, Advocate for the Appellant; Sandhya Jamadagni, Advocate for the Respondent

Judgement

N.K. Patil, J.—The appellants, questioning the correctness or otherwise of the order impugned passed by the learned Single Judge, in Writ Petition Nos. 17882 to 17895 of 2012, dated 10th September, 2012, have presented these writ appeals. In the said writ petitions, the respondents herein had sought for quashing of 14 endorsements all dated 18th January, 2012, issued by appellants herein, vide Annexures-F to F13, produced along with the writ petitions. The said writ petitions were disposed of, with a direction to the appellants herein to consider the materials placed by the respondents herein and if complaint with Section 114 of the Karnataka Municipal Corporations Act, 1976, to forthwith record the names of the respondents in the Tax Assessment Registers in respect of the properties in question. Being aggrieved by the said order of the learned Single Judge, the appellants have presented these appeals seeking appropriate reliefs, as stated above.

2. The only grievance of the respondents herein before the learned Single Judge was that they are the members of the Mysore Chamarajanagara District School Teachers'' House Building Co-operative Society Limited, Mysore and they have been allotted sites as early as on 3rd August, 2008 and allotment letters were issued to all the respondents under Annexure-A series and pursuant to the same,

Downloaded from CourtKutchehry — https://dev.courtkutchehry.com/judgments/mysore-city-corporation-and-another..

sale deeds were also executed on various dates under Annexure-B series and subsequently, Possession Certificates also came to be issued to the respondents on various dates under Annexure-C series and they have been in possession and enjoyment of the said property since then.

3. Be that as it may, the respondents herein filed an application before the appellants for recording their names in the Tax Assessment Register in respect of their properties. Instead of considering their request/application for entering their names in the Tax Assessment Register to enable them to pay necessary tax on par with others, the second appellant herein has proceeded to issue the endorsements under Annexure-F series stating that the respondents must produce a copy of the plan approved by Mysore City Development Authority, Layout completion certificate and also the documents pertaining to the release of the sites in question from the MUDA. Being aggrieved by the said endorsements, the respondents herein have filed writ petitions before the learned Single Judge.

4. The said writ petitions had come up for consideration before the learned Single Judge and the learned Single Judge, after hearing both sides disposed of the said writ petitions, with a direction to the appellants herein to consider the materials placed by the respondents herein and if complaint with Section 114 of the Karnataka Municipal Corporations Act, 1976, to forthwith record the names of the respondents in the Tax Assessment Register in respect of the properties in question. Being aggrieved by the said order of the learned Single Judge, the appellants herein have presented these writ appeals, seeking appropriate reliefs as stated supra.

5. We have heard learned Counsel appearing for the appellants and learned Counsel appearing for respondents.

6. After careful perusal of the order impugned passed by the learned Single Judge, it is manifest on the face of the same that there is no error or material irregularity as such committed by the learned Single Judge in disposing of the writ petitions with a direction to the appellants herein to consider the materials placed by the respondents herein and if complaint with Section 114 of the Karnataka Municipal Corporations Act, 1976, to forthwith record the names of the respondents in the Tax Assessment Registers in respect of the properties in question. The said direction issued is in consonance with the relevant provision of the Karnataka Municipal Corporations Act, 1976.

7. In fact, it is significant to note that the said direction by the learned Single Judge is beneficial to the appellants and the direction issued is only to consider the materials placed by the respondents herein and if complaint with Section 114 of the Karnataka Municipal Corporations Act, 1976, to forthwith record the names of the respondents in the Tax Assessment Registers in respect of the properties in question. We do not find any error or arbitrariness in the said direction issued by the learned Single Judge. Therefore, we do not propose to interfere in the impugned order passed by the learned Single Judge nor the appellants have

Downloaded from CourtKutchehry — https://dev.courtkutchehry.com/judgments/mysore-city-corporation-and-another...

made out a good case on merits. With these observations, the writ appeals stand dismissed as devoid of merit.

Downloaded from CourtKutchehry — https://dev.courtkutchehry.com/judgments/mysore-city-corporation-and-another..