

(2012) 07 KAR CK 0018

In the Karnataka High Court

Case No : Writ Petition No. 6834 of 2012 (LB-BMP)

P.V. Anandaram

APPELLANT

Vs

Bruhath Bengaluru Mahanagara Palike, Bangalore and Others

RESPONDENT

Date of Decision : 06-07-2012

Acts Referred:

Karnataka Municipal Corporations Act, 1976 — Section 321 (3)

Citation : (2012) 5 KarLJ 170

Hon'ble Judges : Ashok B. Hinchigeri, J

Bench : Single Bench

Advocate : G.S. Bhat for M/s. G.S. Bhat and Associates, for the Appellant; S. Rangaswamy and Sri G. Krishna Murthy, for the Respondent

Judgement

Ashok B. Hinchigeri, J.—Sri G. Krishna Murthy, the learned Counsel, who has entered caveat on behalf of the respondent 3 undertakes to file vakalath for the respondents 4 to 6 also. Sri G.S. Bhat, the learned Counsel for the petitioner submits that the petitioner would be content if a direction is given to the respondent 2 to dispose of the remanded matter.

2. The facts of the case are that the respondents 3 to 6 had filed Appeal No. 379 of 2004 before the Karnataka Appellate Tribunal ("K.A.T." for short) impugning the second respondent's order passed u/s 321(3) of the Karnataka Municipal Corporations Act, 1976. The K.A.T., by its judgment, dated 5-1-2012 quashed and remitted the matter back to the respondent 2 with a direction to hold spot-inspection and note the deviations, if any in the construction of the building in the presence of the said respondents and to provide an opportunity to remove the deviation in conformity with the sanctioned plan, dated 11-12-1980. Further, if the deviation is within the permissible limit, it may be compounded or regularised by collecting the penalty from the said respondents or pass appropriate order in accordance with law.

3. Sri G.S. Bhat, the learned Counsel for the petitioner submits that though the order is passed in the first week of January 2012, till now the inspection has not

taken place. He prays for a direction to the respondent 2 to hold the spot inspection and dispose of the remanded matter expeditiously.

4. Sri G. Krishna Murthy, the learned Counsel appearing for the respondents 3 to 6 submits that the inspection has indeed taken place. He submits that the petitioner has no locus standi whatsoever to question the construction of the respondents 3 to 6, as he is a stranger to the property.

5. Sri S. Rangaswamy, the learned Counsel appearing for the respondents 1 and 2 assures the Court that the BBMP authorities would act in accordance with law and implement and comply with the judgment of the K.A.T.

6. On hearing the learned Advocates, I dispose of this petition with a direction to the respondent 2 to dispose of the remanded matter as expeditiously as possible and in any case, within an outer limit of two months from the date of the issuance of the certified copy of today's order. No order as to costs.