

(2010) 03 KAR CK 0052
In the Karnataka High Court
Case No : Writ Petition No. 8420 of 2010

Sri A. Kewalachand

APPELLANT

Vs

The Commissioner, Bruhat Bangalore Mahanagara Phalike,
Health Officer, Bruhat Bangalore Mahanagara Phalike, West
Range and Medical Officer of Health, Bruhat Bangalore
Mahanagara Phalike, Binnypet Division

RESPONDENT

Date of Decision : 24-03-2010

Acts Referred:

Karnataka Municipal Corporations Act, 1976 — Section 443

Citation : (2010) 03 KAR CK 0052

Hon'ble Judges : A.S. Bopanna, J

Bench : Single Bench

Advocate : R.B. Sadasivappa, for the Appellant; Ramanjanegowda, for R1 to 3,
for the Respondent

Judgement

A.S. Bopanna, J.—Sri Ramanjaneya Gowda, learned standing Counsel for the respondents 1 to 3 to accept, notice and file vakalath within a period of four weeks.

2. The petitioner is seeking for a mandamus to direct the respondents herein to consider the representation given by the petitioner on 31.12.2009 (Annexure-A), representation dated 27.1.2010 (Annexure-E) and 4.2.2010 (Annexure-F) and take suitable action against Sri Purohit Narayanlal.

3. The case of the petitioner is that the said Sri Purohit Narayanlal is a tenant in respect of the portion of the property which belongs to the petitioner and situate at No. 33, ward No. 21, Bangalore 23. The grievance of the petitioner is that the said Sri Purohit Narayanlal is running a unit engaged in the manufacture of Stainless Steel Utensils. According to the petitioner, such activity cannot be carried on without proper licence from the concerned authorities. In this regard, reference is also made to Section 443 of the Karnataka Municipal Corporations Act.

4. The learned Counsel for the respondent would point out that even though such allegations are made, the said person has not been made party to this petition. Further it is stated that even if a direction is issued to the respondents to consider the representation of the petitioner, they would do so after providing appropriate opportunity to the person against whom the allegations have been made by the petitioner.

5. In the light of the above, the only direction to be issued to the second respondent is to consider and dispose of the representation of the petitioner. While doing so, if it is found that there is need to proceed further in the matter, the second respondent shall proceed only after issue of appropriate notice to Sri Purohit Narayanlal, provide the opportunity of hearing and thereafter pass appropriate orders in accordance with law. In order to hasten the process, the petitioner is permitted to file copies of the representation along with a certified copy of this order with the second respondent within a period of two weeks from the date of receipt of a copy of this order. Thereafter the second respondent shall proceed as expeditiously as possible.

In terms of the above, the petition stands disposed of. No order as to costs.