

(2013) 04 KAR CK 0019

In the Karnataka High Court

Case No : Writ Petition No. 9400 of 2011 (LB-BMP)

Sri. M.D. Saraf

APPELLANT

Vs

Bruhat Bangalore Mahanagara Palike, The Assistant Executive Engineer, The Assistant Revenue Officer and Smt. A. Prema

RESPONDENT

Date of Decision : 15-04-2013

Acts Referred:

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

Citation : (2013) 04 KAR CK 0019

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

Bench : Single Bench

Advocate : P.N. Nanja Reddy, for the Appellant; Sandeep Patil, for R1-R3 and Sri. V. Vishwanath, for R4, for the Respondent

Judgement

A.S. Bopanna, J.—The petitioner is before this Court assailing the order dated 10.02.2011 passed by the Karnataka Appellate Tribunal in Appeal No. 26/2006. The petitioner contends that the respondent No. herein had put up certain construction contrary to the building bye-laws and the sanction plan. In that regard, the petitioner is stated to have made complaints to the statutory respondents. The statutory respondents though had taken action against the respondent No. 4 herein, the respondent No. 4 had availed the remedy of appeal before the Karnataka Appellate Tribunal in Appeal No. 926/2006. The Karnataka Appellate Tribunal on considering the appeal, by its order dated 10.02.2011 has set aside the order passed u/s 321(3) of the Karnataka Municipal Corporation Act and had remitted the matter to the statutory respondents for reconsideration in accordance with law. The petitioner is before this Court making out a grievance that the Karnataka Appellate Tribunal without providing opportunity to the petitioner herein has considered the grievance of the respondent No. 4 and has remitted the matter.

2. During the pendency of the instant petition, the statutory respondents have already passed a fresh order after reconsidering the matter as per the directions

of the Karnataka Appellate Tribunal. The respondent No. 4 is stated to have availed the remedy of appeal before the Karnataka Appellate Tribunal once over again and the appeal No. 565/2011 is stated to be pending. In that view of the matter, the instant petition in my opinion has become infructuous. If at all the petitioner has any other grievance, it is open for the petitioner to make appropriate application before the Karnataka Appellate Tribunal seeking impleadment in the presently pending appeal and if such application is made, the Karnataka Appellate Tribunal would consider the same in accordance with law. With the said liberty to the petitioner, the petition stands disposed of.