

(2017) 07 KAR CK 0070
In the Karnataka High Court
Case No : 4457 TO 4461 of 2017 (LB-BMP)

Sri.Maadaava Modiliar S/o P.Subramanyam Modiliar, & Ors.	APPELLANT
Vs	
The Bhruhat Bengaluru Mahanagara Palike Represented by its Commissioner, & Ors.	RESPONDENT

Date of Decision : 14-07-2017

Acts Referred:

Citation : (2017) 07 KAR CK 0070

Hon'ble Judges : Subhro Kamal Mukherjee, P.S.Dinesh Kumar

Bench : DIVISION BENCH

Advocate : Y.R.Sadashiva Reddy, Bhadrinath R, V.Sreenidhi, Vivek Holla

Final Decision : Dismissed

Judgement

1. These are appeals against the orders dated May 30, 2017, and July 4, 2017, both passed in Writ Petition Nos.44209 to 44213 of 2016.
2. The writ petitions were filed challenging the order of the Karnataka Appellate Tribunal. The writ petitioners, admittedly, had a sanctioned plan for construction of a building upto second floor. They have constructed, illegally, a third floor. A direction was issued for demolition of the illegal portion of the building. The appeal before the Karnataka Appellate Tribunal proved abortive. Hence, the writ petitions were filed.
3. When the writ petitions were pending before the Hon"ble Single Judge, in the course of hearing, it was submitted by the learned advocate for the writ petitioners that within a period of one month, the third floor would be demolished by the writ petitioners. An application for reconsideration was filed. That was, also, rejected by the order dated July 4, 2017.
4. We do not find any merit in the appeals, as the third floor was admittedly constructed without sanctioned building plan. Therefore, the appeals are dismissed.

5. Mr.Y.R.Sadashiva Reddy, learned senior advocate appearing for the appellants submits that an application has been filed for regularisation of the illegal construction.
6. The orders of the Hon"ble Single Judge and that of ours, shall not prevent the Corporation to consider their application for regularisation, in accordance with law. We, however, express no opinion.
7. In view of dismissal of the appeals, the pending interlocutory application does not survive for consideration and is, also, dismissed.
8. We make no order as to costs.