



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 10TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE B M SHYAM PRASAD

WRIT PETITION NO. 16771 OF 2026 (LB-BMP)

BETWEEN:

SUNIL KUMAR DASARATHAN
SON OF DASARATHAN P
AGED ABOUT 46 YEARS,
RESIDING AT NO. 218
5th 'C' MAIN ROAD,
2nd BLOCK, HRBR LAYOUT,
BENGALURU 560 043

REPRESENTED BY HIS
GENERAL POWER OF ATTORNEY,
C SURESHA REDDY,
SON OF LATE NANJA REDDY C
AGED 55 YEARS,
RESIDING AT NO. 218
5th 'C' MAIN ROAD,
2nd BLOCK, HRBR LAYOUT,
KALYAN NAGAR,
BENGALURU 560 043.

...PETITIONER

(BY SRI. A. ABHINAV RAMANAND, ADVOCATE)

AND:

1. THE COMMISSIONER
BRUHATH BENGALURU MAHANAGARA PALIKE,
BENGALURU 560 001.

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signed by
VANAMALA
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Location:
HIGH
COURT OF
KARNATAKA



2. THE JOINT COMMISSIONER
MARUTHI SEVANAGAR,
SUBDIVISION,
BRUHATH BENGALURU MAHANAGARA PALIKE
BENGALURU - 560 033.
3. THE ASSISTANT EXECUTIVE ENGINEER
MARUTHI SEVANAGAR SUBDIVISION,
BRUHATH BENGALURU MAHANAGARA PALIKE
BENGALURU - 560 033.

...RESPONDENTS

(BY SRI. PAVAN KUMAR, ADVOCATE)

THIS W.P. IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO CALL FOR RECORDS IN REV. APL. NO. 420/2019 PENDING BEFORE THE KARNATAKA APPELLATE TRIBUNAL (CH-1) AT BENGALURU AND ISSUE A WRIT OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT QUASHING OR SETTING ASIDE THE ORDER DATED 27/03/2026 (ANNEXURE-A) PASSED BY THE KARNATAKA APPELLATE TRIBUNAL (CH-1) AT BENGALURU IN REV. APL. NO. 420/2019 AND ETC.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE B M SHYAM PRASAD

ORAL ORDER

The petitioner's appeal in Appeal No.420/2019 is pending on the file of the Karnataka Appellate Tribunal, Bengaluru [for short, '*the Tribunal*']. This is



an appeal that is filed under Section 443-A of the Karnataka Municipal Corporation Act, 1976 [for short, '*the Act*'] calling in question the Confirmation Order under Section 321 (3) thereof. The petitioner has called in question the Tribunal's order dated 27.03.2026 [Annexure-A]. The Tribunal has rejected the petitioner's application under Order VI Rule 17 of the Code of Civil Procedure read with relevant Regulations to amend the Appeal Memorandum to raise additional grounds.

2. The petitioner proposes to amend the Appeal Memorandum on the ground that the authorities could not have deferred consideration of an application filed for modification of the plan. The Tribunal has rejected the application by reasons that read as under:

This application is filed by one C. Suresh Reddy, who is not an appellant. He contends that the appellant had executed a registered GPA dated 16.10.2019 authorising him to



represent the appellant in this case. However, the said C. Suresh Reddy who has filed the affidavit along with the application has not filed any Vakalath or has not produced the GPA alleged to be executed by the appellant herein. Under these circumstances, the application filed by said C.Suresh Reddy who is not an appellant or has not appeared on behalf of the appellant is not maintainable. Hence, I answer the above point in the Negative.

3. Sri Abhinav Ramanand, the learned counsel for the petitioner, submits that the Tribunal could not have rejected the application on this short ground because an application is filed for leave to prosecute the appeal through a Power of Attorney and that application is still pending. The learned counsel emphasizes that the present application is supported by an affidavit sworn to by the GPA. Sri Pawan Kumar, the learned Additional Government Advocate who is called upon to accept notice for the respondents, is heard in the light of these circumstances.



4. This Court is of the considered view that for complete adjudication, the Tribunal should not only consider the present application along with the application filed to prosecute the appeal through the Power of Attorney for complete adjudication. The rejection of this application while the other application for leave is pending leads to a truncated decision as against a complete adjudication. Hence, the petition is allowed quashing the Tribunal's impugned order dated 27.03.2026 [Annexure-A] restoring the application for reconsideration by the Tribunal in the light of this Court's order.

Sd/-
(B M SHYAM PRASAD)
JUDGE

SA
ct:sr