NC: 2024:KHC:53237
RP No. 256 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF DECEMBER, 2024

BEFORE

THE HON'BLE MR JUSTICE HEMANT CHANDANGOUDAR

REVIEW PETITION NO. 256 OF 2024

BETWEEN:

SMT. R. N. SHASHIKALA,
W/O MR. G. VIJAYASHEKHARA,
AGED ABOUT 58 YEARS,
R/AT NO. 24/1 25/1,
5TH CROSS, SATHYA MARGA,
SIDDARTHA NAGARA,
MYSURU - 570 011.

…PETITIONER

(BY SRI. K.A. PRAKASH, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
   BY ITS SECRETARY,
   REVENUE DEPARTMENT,
   M.S. BUILDING, BENGALURU - 560 001.

2. THE DEPUTY COMMISSIONER,
   MYSURU DISTRICT,
   MYSURU - 570 005.

3. THE ASSISTANT COMMISSIONER,
   MYSURU MAHANAGARA PALIKE,
   ZONAL COMMISSIONER'S OFFICE,
   ZONAL OFFICE NO.9, GAYATHRIPURAM,
   MYSURU - 570 019.

4. THE TAHSILDAR,
   MYSURU TALUK, NAZARBAD,
   MINI VIDHANASOUDHA, MYSURU TALUK
   MYSURU - 570 010.

Digitally signed by B K MAHENDRAKUMAR
Location: HIGH COURT OF KARNATAKA

5. THE ZONAL OFFICER,
MYSURU URBAN DEVELOPMENT OFFICER,
ZONAL OFFICE NO. 8,
MYSURU - 570 005.

6. THE POLICE INSPECTOR,
NAZARBAD POLICE STATION,
NAZARBAD CIRCLE,
M.M. ROAD, NAZARBAD,
MYSURU - 570 010.

7. THE POLICE INSPECTOR,
ALANDAHALLI POLICE STATION,
S B JAYARAM EXTN., ALANDAHALLI
BANNUR RING ROAD,
MYSURU - 570 010.

8. HANCHYA GRAM PANCHAYAT,
REPRESENTED BY ITS PRESIDENT,
HANCHAYA VILLAGE,
MYSURU TALUK - 570 019.

9. SRI. N. NANJEGOWDA,
S/O NANJEGOWDA,
AGED ABOUT 66 YEARS,
R/AT NO. 31, SHRINIDHI,
NEAR MAHADESHWARA NURSING HOME,
SATHYAMARGA SIDDHARTHA NAGAR,
MYSURU - 570 011.

10. SMT. GITHA
W/O NANJEGOWDA,
AGED ABOUT 61 YEARS,
R/AT NO. 31, SHRINIDHI,
NEAR MAHADESHWARA NURSING HOME
SATHYAMARGA SIDDHARTHA NAGAR
MYSURU - 570 011.

11. SRI. MITHUN C.V,
S/O LATE VEERBHADRAIAH,
AGED ABOUT 36 YEARS,

PROP. AARYA BAKERY,
ARE HAVING THEIR BUSINESS,
AT SIDDARTHA NAGAR,
TERRISON COLLEGE CIRCLE,
BANNUR ROAD, MYSURU - 570 029.

12. SRI. SHIVANNA,
S/O NINGEGOWDA,
AGED ABOUT 46 YEARS,
PROP BHAIRESHWARA TRADERS,
ARE HAVING THEIR BUSINESS,
AT SIDDARTHA NAGAR,
TERRISON COLLEGE CIRCLE,
BANNUR ROAD, MYSURU - 570 029.

13. M/S MAHALAKSHMI SWEETS,
REPRESENTED BY ITS PROPRIETORS,
NOT KNOWN
ARE HAVING THEIR BUSINESS
AT SIDDARTHA NAGAR,
TERRISON COLLEGE CIRCLE,
BANNUR ROAD, MYSURU - 570 029.

14. SRI. Y K SWAMY
S/O LATE KARIGOWDA,
AGED ABOUT 66 YEARS,
PROP OF ARJUN ELECTRONICS,
EX GRAM PANCHYATH CHAIRMAN,
NO. 356, YERAGANAHALLI,
BANNUR ROAD, MYSURU - 570 029.

15. SRI. MANNAIAH,
OCC. MUSIC TEACHER,
AGED ABOUT 69 YEARS,
NO. 59, 4TH STAGE,
KUVEMPU NAGAR,
MYSURU - 570 023.

16. SRI. M. NANJAPPA,
PROP. KERALAPURA CHAMUNDESHWARI
MILITARY HOTEL, AGED ABOUT 59 YEARS,

EX GRAM PANCHAYAT MEMBERS,
AGED ABOUT 59 YEARS,
NO. 133/4, KRISHNA TEMPLE ROAD,
YERAGANAHALLI, SHAKTINAGAR P.O.,
MYSURU - 570 029.

17. SRI. S. GURUSWAMY,
S/O SANNEGOWDA,
AGED ABOUT 63 YEARS,
PROP SHILPA BAR AND RESTAURANT,
HAVING HIS BUSINESS AT SIDDARTHA NAGAR,
TERRISON COLLEGE CIRCLE,
BANNUR ROAD, MYSURU - 570 011.

18. SRI. VENKATESH,
S/O VENKATEGOWDA,
AGED ABOUT 56 YEARS,
PROP. CAKE BAZAR,
HAVING HIS BUSINESS AT SIDDARTHA NAGAR
TERRISON COLLEGE CIRCLE,
BANNUR ROAD, MYSURU - 570 011.

19. SRI. GAVISIDDAIAH,
S/O SRI MANCHAIAH,
AGED ABOUT 42 YEARS,
NO. 404, 3RD CROSS, JANATHA COLONY,
YERAGANAHALLI, MYSURU - 570 029.

20. SRI. GURUSWAMY,
S/O MOGANNA,
AGED ABOUT 36 YEARS,
NO. 404, 3RD CROSS,
JANATHA COLONY,
YERAGANAHALLI,
MYSURU - 570 029

…RESPONDENTS

(BY SRI. MOHAMMED JAFFAR SHAH, AGA FOR R1, R2, R4,
R6 AND R7,
SMT. GEETHA DEVI M.P., ADVOCATE FOR R3, AND
SMT. MADHAVI R., ADVOCATE FOR R5)

THIS REVIEW PETITION IS FILED UNDER SECTION 114 R/W ORDER 47 RULE 1 FURTHER R/W SEC. 151 OF THE CODE OF CIVIL PROCEDURE FURTHER R/W ARTICLE 215 OF THE CONSTITUTION OF INDIA FURTHER R/W RULE 39 OF WRIT PROCEEDINGS RULES, 1977 PRAYING TO KINDLY REVIEW THE ORDER DATED 09.09.2022 PASSED IN WRIT PETITION NO.12504/2021 (LB-RES), ALLOW THIS REVIEW PETITION AND CONSEQUENTLY MODIFY THE ORDER DATED 09.09.2022 PASSED IN WRIT PETITION NO. 12504/2021 (LB-RES), IN THE INTEREST OF JUSTICE AND EQUITY.

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

CORAM: HON'BLE MR JUSTICE HEMANT CHANDANGOUDAR

ORAL ORDER

This Court in WP No.12504/2021 vide order dated 09.09.2022 directed respondent No.3 to initiate proceedings under Section 321 of the Karnataka Municipal Corporation Act, against the private respondents for having put up construction in violation of the building bye-laws. The private respondents were also granted liberty to file an appropriate application with respondent No.3 for granting deemed license as specified under Sections 299 to 301 of the Karnataka Municipal Corporation Act.

2. The owner of the property in question in which respondent No.13 is in occupation as tenant was not made a party to the petition. The petitioner seeks liberty to file

appropriate application with respondent No.3 for grant of deemed license.

3. Accordingly, petition stands disposed of granting liberty to the petitioner to file appropriate application under Sections 299 and 301 of the Karnataka Municipal Corporation Act for granting deemed license. If such an application is filed, respondent No.3 to consider the same and pass appropriate order, in accordance with law.

Pending IAs does not survive for consideration.

Sd/-
(HEMANT CHANDANGOUDAR)
JUDGE

RKA
List No.: 1 Sl No.: 106