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IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF SEPTEMBER, 2017

BEFORE

THE HON'BLE Dr. JUSTICE VINEET KOTHARI

WRIT PETITION Nos.24541-24544/2015 (LB - RES)

BETWEEN

1. KRISHNEGOWDA
S/O NARAYANAGOWDA
AGED ABOUT 64 YEARS
LICENSEE IN FORM CL-2
SHOP NO.4
MUNICIPAL SHOPPING COMPLEX
BUS STAND ROAD
SRINIVASAPURA TOWN
KOLAR DISTRICT – 563 135
2. M.KRISHNAPPA
S/O MUNIVENKATAPPA
AGED ABOUT 62 YEARS
ENGAGED IN THE BUSINESS OF
TRADE IN COOL DRINK
AND CONFECTIONARIES
MUNICIPAL SHOPPING COMPLEX
SRINIVASAPURA TOWN
KOLAR DISTRICT – 563 135
3. S.H. NARAYANAMURTHY
S/O HANUMANTHAPPA
ENGAGED IN THE BUSINESS
OF SHOP NO.19
SOUTH WING
TRADE IN COOL DRINK
AND CONFECTIONARIES

Date of order:06.09.2017 in WP Nos.24541-24544/2015
Krishnegowda and Ors.
vs.
The Chief Officer, Town Municipal Council, Kolar.

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J.C.ROAD
SRINIVASAPURA

4. VENKATASHIVA REDDY
S/O K.REDDYAPPA
AGED ABOUT 61 YEARS
CL-2, LICENSEE
KATHA NO.20
MUNICIPAL SHOP COMPLEX
SRINIVASAPURA TALUK
SRINIVASAPURA – 563 135

...PETITIONERS

(BY SRI G K BHAT, ADVOCATE)

AND

THE CHIEF OFFICER
TOWN MUNICIPAL COUNCIL
SRINIVASAPURA
KOLAR DISTRICT – 563 135

...RESPONDENT

(BY SRI NISHANTH A.V., ADVOCATE)

THESE WRIT PETITIONS ARE FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED NOTICE DATED 07.05.2015 UN-NUMBERED AS ANNEXURES – D, E, F AND G ISSUED BY THE RESPONDENT AND ETC.,

THESE PETITIONS COMING ON FOR ORDERS THIS DAY,
THE COURT MADE THE FOLLOWING:

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ORDER

Mr. G K Bhat, Adv., for Petitioners.
Mr. Nishanth A V, Adv., for Respondent.

1. The present petitions are directed against the Notices given by the Town Municipal Council, Kolar, to the petitioners informing them that the Town Municipal Council, Kolar, has decided not to permit the business of Bar and Restaurant for selling liquors also under the Excise Licenses given to them.

2. The impugned Notices dated **07.05.2015** indicates that prior to the said notice, three notices were already served upon the petitioners and 4th General Meeting Resolution was taken on **31.03.2015** in this regard and then the said Final Notices dated **07.05.2015** were served on the present petitioners.

3. Instead of replying to any of the Notices, the petitioners have approached this Court by way of the

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present petitions. A Co-ordinate Bench of this Court has granted interim order in these petitions on **13.01.2016**.

4. Having heard learned counsels for the parties, this Court is satisfied that the present petitions are premature and do not deserve to be entertained under Article 226 of the Constitution of India. The petitioners can show-cause before the Respondent and after appropriate adjudication by him after giving a reasonable opportunity of hearing to the petitioners, the respondent may proceed further in accordance with law. The petitioners shall appear before the said authority in the first instance on **28.09.2017**.

5. With these observations, the petitions are disposed of.

**Sd/-
JUDGE**

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List No.1. Sl.No.5.