

IN THE HIGH COURT OF KARNATAKA, BENGALURU

DATED THIS THE 31<sup>ST</sup> DAY OF MARCH, 2022

BEFORE

THE HON'BLE MR. JUSTICE KRISHNA S.DIXIT

**WRIT PETITION NO.3883 OF 2022 (LB-BMP)**

BETWEEN:

1. SRI. R RAJA,  
S/O LATE SRI. V RAMAKRISHNA,  
AGED ABOUT 53 YEARS,
2. NUTANA SARASWATHI,  
D/O LATE SRI.V RAMAKRISHNA,  
AGED ABOUT 47 YEARS,

BOTH RESIDING AT NO.16, GROUND FLOOR,  
VENKATESHWARA BUILDING,  
3<sup>RD</sup> CROSS, 2<sup>ND</sup> MAIN ROAD,  
KUMARA PARK WEST,  
BENGALURU – 560 020.

...PETITIONERS

(BY SRI. AMAN N DRAVID, ADVOCATE FOR  
SRI. SUBRAMANYA S UPASANA, ADVOCATE)

AND:

1. THE CHIEF COMMISSIONER,  
THE BRUHAT BENGALURU MAHANAGARA  
PALIKE, N R SQUARE, HUDSON CIRCLE,  
BENGALURU, KARNATAKA – 560 061.
2. THE JOINT COMMISSIONER AND  
AUTHORIZED OFFICER,  
WEST DIVISION, OFFICE OF THE  
JOINT COMMISSIONER,  
THE BRUHAT BENGALURU MAHANAGARA  
PALIKE, BHASYAM PARK,  
SHESHADRIPURAM,  
BENGALURU – 560 020.

... RESPONDENTS

(BY SRI. T M VENKATAREDDY, ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING TO ALLOW THE PETITION AND QUASH THE NOTICE DATED 13.10.2021 AT ANNEXURE-E.

THIS PETITION COMING ON FOR ORDERS THIS DAY THROUGH PHYSICAL HEARING, THE COURT MADE THE FOLLOWING:-

### **ORDER**

The short grievance of the petitioners is against the Notice dated 13.10.2021 issued by the respondent-BBMP in terms of Annexure-E. In substance, the Notice threatens the petitioners of demolishing the structure in question unless suitable safety measures are taken so that the public is not put to peril.

2. Learned counsel for the petitioners argues that the contents of the said Notice are not true and that his clients have already sent a reply dated 27.10.2021; despite that everyday the BBMP officials are visiting the spot and threatening them of pulling down the building in question.

3. Learned Sr. Panel Counsel appearing for the respondents submits that the impugned Notice has been issued keeping in view the dangerous position of the dilapidated building in question, and now the petitioners

have already submitted the reply and therefore, he would instruct his clients to look into the same and take a decision in the matter in accordance with law. This is appreciable.

In the above circumstances, this petition is disposed off directing the respondents 1 & 2 to consider the reply of petitioners and only then to pass final order in accordance with law. The result of such consideration shall be informed to the petitioners as well. Till two weeks lapse from the date such information is conveyed to them, no precipitatory action would be taken under the impugned Notice.

No costs.

**Sd/-  
JUDGE**

Bsv