



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF JANUARY, 2024

BEFORE

THE HON'BLE MR JUSTICE S SUNIL DUTT YADAV

WRIT PETITION NO. 13775 OF 2023 (LB-BMP)

BETWEEN:

1. DAYAKAR D C,
S/O LATE D P CHANDRASHEKAR,
AGED ABOUT 74 YEARS,
R/O NO.1/9, K R ROAD,
BASAVANAGUDI,
BANGALORE - 560 004.
2. SUDHA NAGESH,
W/O D C NAGESH,
AGED ABOUT 60 YEARS
R/O NO.1/3, K R ROAD,
BASAVANAGUDI,
BANGALORE - 560 004.
3. J YASHONATH,
S/O DR. D P JAYARAM,
AGED ABOUT 59 YEARS,
R/O NO.49/1, SURVEYOR STREET,
BASAVANAGUDI,
BANGALORE - 560 004.
4. D J SUDHARSHAN,
S/O DR. D P JAYARAM,
AGED ABOUT 71 YEARS,
R/O NO.1/4, K R ROAD,
BASAVANAGUDI,
BANGALORE - 560 004.





5. N JAGADEESH,
S/O D P N MURTHY,
AGED ABOUT 65 YEARS,
R/O NO.1/2, K R ROAD,
BASAVANAGUDI,
BANGALORE - 560 004.
6. N JAYANTH,
S/O D P N MURTHY,
AGED ABOUT 63 YEARS,
R/O NO. 1/2, K R ROAD,
BASAVANAGUDI,
BANGALORE - 560 004.
7. QUMARI MOHAMAD HASAN,
AGED ABOUT 67 YEARS,
R/O NO. 08, KIDWAI CROSS ROAD,
BHATKAL TALUK SOUTH CANARA.

...PETITIONERS

(BY SRI. K. SREEDHAR, ADVOCATE)

AND:

1. BBMP,
REPRESENTED BY ITS COMMISSIONER ,
N R SQUARE, BANGALORE - 560 001.
2. THE CHIEF COMMISSIONER / APPELLATE
AUTHORITY, BBMP, N R SQUARE,
BANGALORE - 560 001.
3. THE ZONAL COMMISSIONER,
BBMP, COMMERCIAL COMPLEX,
2ND BLOCK, 9TH CROSS,
JAYANAGAR, BBMP,
BANGALORE - 560 003.



4. THE JOINT DIRECTOR (SOUTH),
TOWN PLANNING, BBMP,
HEAD OFFICE NEW ANNEXURE BUILDING,
4TH FLOOR, N R SQUARE,
BANGALORE - 560 002.
5. CHIEF ENGINEER,
BWSSB, KAVERI BHAVAN,
BANGALORE - 560 009.
6. NARESH JAIN,
S/O LATE RIKHABCHAND JAIN,
AGED ABOUT 33 YEARS,
R/O NO.202, I H F D APARTMENTS,
NO. 11, VASAVI TEMPLE ROAD,
V V PURAM, BANGALORE - 560 004.
7. MANISH JAIN,
S/O NAVALMAL JAIN,
AGED ABOUT 30 YEARS,
R/O NO.401, SAMBHAVNATH APARTMENTS,
JAIN TEMPLE ROAD, V V PURAM,
BANGALORE - 560 004.
8. SMT. NEETA JAIN,
W/O NARESH JAIN,
AGED ABOUT 30 YEARS,
R/O NO.202, I H F D APARTMENTS,
NO. 11, VASAVI TEMPLE ROAD,
V V PURAM, BANGALORE - 560 004.
9. NAVALMAL JAIN,
S/O LATE RAYCHAND,
AGED ABOUT 60 YEARS,
R/O NO.401, SAMBHAVNATH APARTMENTS,



JAIN TEMPLE ROAD,
V.V PURAM, BANGALORE - 560 004.

...RESPONDENTS

(BY SRI.K.S.MALLIKARJUNA REDDY, ADVOCATE FOR R1 TO R4;
SRI. SHARATH N., ADVOCATE FOR R6 TO R9;
SERVICE OF NOTICE TO R5 IS DISPENSED WITH)

THIS W.P. IS FILED UNDER ARTICLE 226 OF THE
CONSTITUTION OF INDIA PRAYING TO QUASHING IMPUGNED
ORDER DATED 15.04.2023 IN APPEAL NO.189/2022 PASSED
BY THE R-2 IN REJECTING THE APPLICATION FOR IMPEADING
FILED BY THE PETITIONERS VIDE ANNEXURE-G, AS THE SAME
IS ILLEGAL, ARBITRARY AND UNSUSTAINABLE AND DIRECT
THE R-2 TO PERMIT THE PETITIONERS TO BE IMPEADED AS
RESPONDENTS IN THE ABOVE APPEAL AND ETC.,

THIS PETITION, COMING ON FOR PRELIMINARY HEARING
IN 'B' GROUP, THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

A memo dated 08.12.2023 is filed by learned counsel
appearing for the respondent Nos.6 to 9.

2. In the present writ petition, as the main relief is
as against the order dated 15.04.2023 passed by
respondent No.2 rejecting the application for impleading
and as it is now submitted that the appeal proceedings



have culminated in the final order, the relief sought for does not survive for consideration.

3. Accordingly, the petition is dismissed as having become infructuous. However, all legal contentions between the parties remain unadjudicated and are kept open.

4. Learned counsel Sri. K.S.Mallikarjun Reddy appearing for respondent - BBMP submits that after the appeal filed before the Karnataka Appellate Tribunal reaches the finality, consequential action would be taken according to law without much delay.

Recording the said submission, the petition is ***disposed off.***

**Sd/-
JUDGE**

MCR