

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

R

DATED THIS THE 3RD DAY OF SEPTEMBER 2022

PRESENT

THE HON'BLE MR. ALOK ARADHE
ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE S. VISHWAJITH SHETTY

W.P. NO.18278 OF 2021 (GM-RES)

C/W

W.P. NO.19421 OF 2021 (GM-RES)

IN W.P. NO.18278 OF 2021

BETWEEN:

SRI. HARISH A.S.
ADVOCATE

... PETITIONER

(BY MR. PRASHANTH BHUSHAN, ADV., FOR
MR. PRINCE ISAC, ADV.,)

AND:

1. STATE OF KARNATAKA
REP. BY THE CHIEF SECRETARY
VIDHANA SOUDHA
BENGALURU 560 001.

2. STATE OF KARNATAKA
REPRESENTED BY ITS
PRINCIPAL SECRETARY
HOUSING AND URBAN
DEVELOPMENT AUTHORITY
VIDHANA SOUDHA
BENGALURU 560 001.
3. THE BENGALURU DEVELOPMENT AUTHORITY
REPRESENTED BY ITS COMMISSIONER
KUMARA PARK PAST
BENGALURU 560 020.
4. SRI. S.R. VISHWANATH
CHAIRMAN
BDA, BANGALORE
5. S.M. RAM PRASAD, KSAS
FINANCE MEMBER
BDA BANGALORE
KUMARA PARK PAST
BENGALURU 560 020.
6. DR. H.R. SHANTHARAJANNA, KES
ENGINEER MEMBER
BDA, BANGALORE
KUMARA PARK PAST
BENGALURU 560 020.
7. SMT. SUMA J (I/C)
TOWN PLANNER MEMBER
BDA, BANGALORE
KUMARA PARK PAST
BENGALURU 560 020.

... RESPONDENTS

(BY MR. PRABHULING K. NAVADGI AG A/W
MR. VIJAY KUMAR A. PATIL, AGA FOR R1 & R2
MR. D.N. NANJUNDA REDDY, SR. COUNSEL FOR
MR. K. KRISHNA, ADV., FOR R3
MR. S.S. NAGANAND, SR. COUNSEL FOR
MR. BIPIN HEGDE, ADV., FOR R4
MR. B. VACHAN, ADV., FOR R5
MR. J.C. KUMAR, ADV., FOR R6)

THIS W.P. IS FILED UNDER ARTICLE 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASHING THE ORDER DATED 24.11.2020 IN NO.UDD.129 BAS/2020 ISSUED BY THE FIRST RESPONDENT A COPY OF WHICH IS PRODUCED AT ANNEXURE-B. ISSUE A WRIT OF QUO-WARRANTO OR ANY OTHER APPROPRIATE WRIT PROHIBITING THE 4TH RESPONDENT FROM EXERCISING DUTIES AS THE CHAIRMAN OF THE BANGALORE DEVELOPMENT AUTHORITY. ISSUE A WRIT OF QUO-WARRANTO OR ANY OTHER APPROPRIATE WRIT PROHIBITING THE R5 TO R7 FROM EXERCISING DUTIES AS THE FINANCE MEMBER, ENGINEER MEMBER, TOWN PLANNER MEMBER, RESPECTIVELY OF THE BANGALORE DEVELOPMENT AUTHORITY & ETC.

IN W.P. NO.19421 OF 2021

BETWEEN:

SRI. HARISHA A.S.
ADVOCATE

... PETITIONER

(BY MR. PRASHANTH BHUSHAN, ADV., FOR
MR. PRINCE ISAC, ADV.,)

AND:

1. STATE OF KARNATAKA
REP. BY THE CHIEF SECRETARY
VIDHANA SOUDHA
BENGALURU-560001.
2. SRI. S.R. VISHWANATH
S/O K. RAMAIAH
AGED 58 YEARS
MEMBER OF THE LEGISLATIVE ASSEMBLY
KARNATAKA VIDHANA SOUDHA

... RESPONDENTS

(BY MR. PRABHULING K. NAVADGI, AG A/W
MR. VIJAY KUMAR A. PATIL, AGA FOR R1
MR. S.S. NAGANAND, SR. COUNSEL FOR
MR. BIPIN HEGDE, ADV., FOR R2)

- - -

THIS W.P. IS FILED UNDER ARTICLE 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT OF MANDAMUS FORTHWITH IN CONSIDERATION OF ANNEXURE-C DATED 04.10.2021 AND TO TAKE TIME BOUND ACTION TO DISQUALIFY THE RESPONDENT NO.-2 FROM CONTINUING AS MEMBER OF LEGISLATIVE ASSEMBLY IN THE 15TH KARNATAKA LEGISLATIVE ASSEMBLY IN TERMS OF ARTICLE 191 (1) (A) OF THE CONSTITUTION FOR HOLDING THE POST OF BDA CHAIRMAN, WHICH IS AN OFFICE OF PROFIT.

THESE W.Ps. HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 24.08.2022, COMING ON FOR PRONOUNCEMENT OF ORDERS THIS DAY, **ACTING CHIEF JUSTICE.**, MADE THE FOLLOWING:

ORDER

These petitions have been filed pro bono publico. The grievance of the petitioner in W.P.No.18278/2021 pertains to appointment of one Mr.S.R.Vishwanath, Member of Legislative Assembly from Yelahanka Assembly Constituency as Chairman (hereinafter referred to as 'the Chairman', for short) of Bangalore Development Authority (hereinafter referred to as 'the Authority' for short). In W.P. No.19421/2021, the petitioner seeks a mandamus to the State Government to take time bound action for disqualifying the Chairman in terms of Article 191(1)(a) of the Constitution of India from holding the post of Chairman of Authority which is an office of profit.

2. The controversy involved in these petitions lie in a narrow compass. The petitioner is an advocate by avocation. Section 3 of the Bangalore Development Authority Act, 1976 (hereinafter referred to as the 'BDA Act' for short) deals with constitution and incorporation of the Authority. Section 3(5) of the BDA Act provides that the Chairman, the Engineer Member and Finance Member and the Town Planner Member shall be whole time members and the other members shall be part time members. According to the petitioner, the Chairman who is a sitting MLA from Yelahanka Constituency cannot be whole time member of the Authority and therefore, is ineligible to hold the post. In addition, the grievance as pleaded in writ petition namely W.P. No.18278/2021 that no method of appointment has been prescribed for appointment to the posts of Engineer, Finance and Town Planner Members of the Authority. In the said writ petition, the petitioner has assailed the

notification dated 24.11.2020 by which the Chairman has been appointed as Chairman of the Authority.

3. The petitioner also seeks a writ of quo warranto prohibiting Chairman and respondent Nos.5 to 7 from performing the duties of the post of Chairman, Engineer, Finance and the Town Planner Members of the Authority. The petitioner also seeks a writ of mandamus to constitute and incorporate the Authority in accordance with Section 3 of the BDA Act after framing the Rules and guidelines.

4. Under Article 192 of the Constitution of India, the petitioner has raised issue of disqualification of the Chairman by filing a petition on 04.10.2021 before His Excellency the Governor. Thereafter, on 26.10.2021, W.P.No.19421/2021 has been filed seeking a writ of mandamus to take a time bound action to disqualify the Chairman from

continuing as Member of Legislative Assembly in 15th Karnataka Legislative Assembly in terms of Article 191(1)(a) of the Constitution of India for holding the post of Chairman of the Authority.

5. Learned Senior counsel for the petitioner submits that Chairman is a Member of Legislative Assembly from Yelahanka Constituency and therefore, cannot be a full time member of the Authority in view of Section 3(5) of the BDA Act. It is further submitted that merely because respondent No.4 is MLA, he is not eminently qualified to be appointed as Chairman. It is also submitted no method has been prescribed for selection of Engineer, Finance and Town Planner Members of the Authority and appointment to the aforesaid posts has to be made through a process of selection. It is urged that respondent Nos.5 to 7 have not been appointed in a manner known to law.

6. It is further urged that BDA is not the Committee as defined under Section 2(a) of the Karnataka Legislature (Prevention of Disqualification) Act, 1956 (hereinafter referred as 'the 1956 Act'). It is pointed out that even though petitioner had approached His Excellency the Governor, till today, he has not received any response. In support of aforesaid submissions, reliance has been placed on the decision of the Supreme Court in ***CENTRE FOR PIL AND ANOTHER Vs. UNION OF INDIA AND ANOTHER***¹.

7. Learned Advocate General has submitted that the Authority is the Committee as defined under Section 2(a) of 1956 Act and referred to in Section 3 of the BDA Act and the Chairman is not disqualified to hold the post of Chairman of the Authority. It is further submitted that Article 192 vests the power

¹ (2011) 4 SCC 1

with His Excellency the Governor with regard to disqualification of the Members of the House of Legislature. It is also submitted that the bar contained in Article 191(1)(a) does not apply to the case of Chairman. Therefore, no relief to the petitioner in W.P.No.19421/2021 can be granted.

8. It is contended that in order to seek a writ of quo warranto, the disqualification must be ex facie shown. It is further contended that Chairman is not covered under Section 4 of the BDA Act which provides for disqualification. It is also contended that Chairman is not disqualified to hold the post of the Chairman of the Authority under the statute. It is also argued that the writ petition has been filed after a delay of nearly one year after the appointment of the Chairman and Members of the Authority, in which no interference is called for.

9. Learned Senior counsel for the Chairman submits that the expression 'whole time member' should be construed to mean that a member should be available to attend the duties. It is further submitted that the Chairman is not disqualified under Section 4 of the BDA Act and Article 191(1) empowers the State Legislature to enact the 1956 Act. It is urged that respondent No.4 has not received any salary as MLA. It is contended that Government has acted responsibly while appointing the Chairman and the Members. In support of aforesaid submissions, reliance has been placed on the decision of the Supreme Court in **UNIVERSITY OF MYSORE AND ANR. Vs. C.D.GOVINDA RAO AND ANR.², RAMAKRISHNA HEGDE Vs. STATE OF KARNATAKA³, AND B.S.SRINIVASA REDDY Vs.**

² AIR 1965 SC 491

³ ILR 1992 KAR 3028

KARNATAKA URBAN BODY WATER SUPPLY AND DRAINAGE BOARD EMPLOYEES' ASSN. AND ORS⁴.

10. Learned Senior counsel for the Authority has supported the submissions made by the learned Advocate General and has pointed out that appointment of Chairman of International Airport Area Planning Authority was challenged in W.P.No.13173/2020 which was dismissed by a Division Bench of this Court by an order dated 08.11.2021. Reference has also been made to a decision in ***MISS PUSHPA B. GAVADI VS. THE GOVERNMENT OF KARNATAKA AND OTHERS⁵.***

11. Learned counsel for the respondent No.5 has submitted that aforesaid respondent has been appointed in consonance with the Bangalore Development Authority (Cadre and Recruitment)

⁴ (2006) 11 SCC 731

⁵ Order dated 10.08.2022 in W.P. No.22546/2021

Service Regulations, 2004 and has the requisite qualification. It is also pointed out that petitioner has not assailed the validity of the aforesaid Regulations.

12. Learned counsel for the respondent No.7 has pointed out that respondent No.7 no longer holds the office and therefore, challenge to his appointment has been rendered academic on account of efflux of time.

13. We have considered the rival submissions. In W.P. No.18278/2021, twin issues namely, ineligibility of the Chairman as Chairman of the Authority and an issue pertaining to validity of appointments of Engineer, Finance and Town Planner Members arise for consideration. An additional issue namely, with regard to constitution and incorporation of the Authority in accordance with Section 3 of the Act after framing Rules and Guidelines also arises for

consideration. In W.P. No.19421/2021, issue pertains to disqualification of Chairman from continuing as Member of the Legislative Assembly.

14. Now, we may advert to the relevant provisions of law. Article 191 of the Constitution deals with disqualification for membership of the Legislative Assembly or Legislative Council of a State, whereas, Article 192 provides for decisions on questions as to disqualification of members of Legislative Assembly or Legislative Council. The relevant extract of Article 191 and Article 192 read as under:

“191. (1) A person shall be disqualified for being chosen as, and for being, a member of the Legislative Assembly or Legislative Council of a State-

(a) if he holds any office of profit under the Government of India or the Government of any State specified in the

First Schedule, other than an office declared by the Legislature of the State by law not to disqualify its holder;”

“192. (1) If any question arises as to whether a member of a House of the Legislature of a State has become subject to any of the disqualifications mentioned in clause (1) of article 191, the question shall be referred for the decision of the Governor and his decision shall be final.

(2) Before giving any decision on any such question, the Governor shall obtain the opinion of the Election Commission and shall act according to such opinion.”

Article 191(1)(a) permits the State Legislature to enact a law not to disqualify holder of office of profit to be a Member of Legislative Assembly or Legislative Council. The decision as to disqualification of a Member of House of Legislature of the State under Article 192 has to be taken by the Governor.

15. In view of Article 191(1)(a) of the Constitution of India, the State Legislature has enacted an Act to declare certain office of profit not to disqualify their holders for being chosen as or for being Members of Legislative Assembly and Legislative Council. The said Act is known as the Karnataka Legislature (Prevention of Disqualification) Act, 1956 (hereinafter referred to as 'the 1956 Act' for short). The relevant extract of Sections 2 and 3 read as under:

2. In this Act, unless the context otherwise requires,-

(a) "Committee" means any Committee, Commission, Council, Board or any other body of one or more persons whether statutory or not, set up by the Government of India or the Government of any State;

3. Removal of certain disqualifications.-

It is hereby declared that the following offices shall not disqualify and shall be deemed never to have disqualified, the holders thereof for being chosen as, or for being members of the Karnataka Legislative Assembly or the Karnataka Legislative Council:

(a)

(b)

(bb) ...

(c1)

(c2)....

(c3)...

(d) the offices of the Chairman, Vice-Chairman, President, Vice-President, Director, of the Governing body or a Member by whatever name any of the aforesaid office is called, of any Committee (by whatever name called) or of any Society registered under any other law relating to registration of societies.”

Thus, Member of Karnataka Legislative Assembly or Legislative Council is not disqualified from holding the post of Chairman of any Committee or of any society.

16. The BDA Act is an Act enacted with an object to set up a central authority to ensure coordinated development of Bangalore City and area adjacent thereto. Section 2(a) of the Act defines the expression 'authority', whereas Section 3 deals with Constitution and incorporation of the authority. Section 4 of the Act provides for disqualification for office of member. The relevant extract of provisions reads as under:

2. (a) "Authority" means the Bangalore Development Authority constituted under Section 3;

3. Constitution and incorporation of the authority.-

(1) As soon as may be after the date of commencement of this Act, the Government shall, by notification, constitute for the Bangalore Metropolitan Area an Authority to be called the Bangalore Development Authority.

(2) The Authority shall be a body corporate by the name aforesaid having perpetual succession and a common seal, with power, subject to the provisions of this Act, to acquire, hold and dispose of property, both moveable and immoveable and to contract and shall by the said name sue or be sued.

(3) The Authority shall consist of the following members, namely:-

(a) the Chairman ;

(b) one person to be called the Finance Member possessing qualifications in accounts and audit;

(c) an engineer who shall be an officer of the Karnataka Engineering Service or an officer employed in any undertaking owned or controlled by the State Government not below the rank of a Chief Engineer;

(d) a town planner who shall be a person with experience in town planning;

(e) a person with experience in architecture;

(f) the Commissioner, Corporation of the City of Bangalore, ex-officio;

(ff) an officer of the Secretariat Department incharge of urban development, not below the rank of a Deputy Secretary to Government.

(g) two persons who are members of the Karnataka State Legislature;

(gg) two persons of whom one shall be

woman and one shall be a person belonging to the Scheduled Castes or the Scheduled Tribes;

(h) four others of whom one shall represent the labour;

(i) a representative of the Bangalore Water Supply and Sewerage Board;

(j) a representative of the Karnataka Electricity Board;

(k) a representative of the Karnataka State Road Transport Corporation;

(l) two persons elected by the councillors of the Bangalore City Corporation from among themselves in the prescribed manner:

Provided that during the period of supersession of the Corporation or where any Administrator has been appointed, the two persons shall be nominated by the

Administrator from among the officers of the Corporations.

(m) the Commissioner, ex-officio;

(n) the Secretary of the Authority, who shall be an ex-officio member.

(4) The persons referred to in 6 [clauses (a) to (e) and (ff) to (h)] 6 of sub-section (3) (both inclusive) shall be appointed by the Government and the persons referred to in clauses (i), (j) and (k) thereof shall be nominated by the respective bodies:

Provided that all the first members of the Authority shall be appointed by the Government,

(5) The Chairman, the engineer member, the finance member and the town planner member shall be whole-time members and the other members shall be part-time members.

(6) The names of the Chairman and members (appointed or elected) shall be published by Government by notification.

4. Disqualification for office of member.-

(1) No person shall be appointed as or continue to be a member if he,-

(a) has been convicted and sentenced to imprisonment for an offence which in the opinion of the Government involves moral turpitude; or

(b) is of unsound mind and stands so declared by a competent court; or

(c) is an undischarged insolvent ; or

(d) has been removed or dismissed from the service of the Central Government or a State Government or a Corporation owned

or controlled by the Central Government or a State Government; or

(e) has directly or indirectly by himself or his partner any share or interest in any work done by the order of the Authority or in any contract or employment with or under or by or on behalf of the Authority;

(f) being an elected member ceases to be a councillor of the Corporation; or

(g) is employed as paid legal practitioner on behalf of the Authority or accepts employment as legal practitioner against the Authority.

(2) A person shall not be disqualified under clause (e) of sub-section (1) or be deemed to have any share or interest in any contract or employment within the meaning of the said clause by reason only of his having a share or interest in any newspaper in

which any advertisement relating to the affairs of the Authority is inserted.”

17. Section 2(a) of the 1956 Act defines the expression “Committee” to mean any Committee, Commission, Council, Board or any other body of one or more persons, whether statutory or not, set up by the Government of India or Government of any State. The Bangalore Development Authority constituted under Section 3 of the BDA Act is covered under Section 2(a) of the 1956 Act. Section 3(d) of the 1956 Act provides that Members of Karnataka Legislative Assembly or Karnataka Legislative Council would not be disqualified to hold the post of Chairman or Member of the Committee. It is pertinent to note that validity of 1956 Act has not been questioned by the petitioner.

18. Thus, from conjoint reading of the provisions of Sections 2(a) and 3(d) of the 1956 Act, it

is evident that Chairman is not disqualified to hold the post of Chairman of the Authority. It is worth mentioning that issue with regard to disqualification of the Chairman is pending adjudication before His Excellency the Governor under Article 192 of the Constitution of India. For the aforementioned reasons, the writ of mandamus as sought for by the petitioner in W.P. No.19421/2021 to take a time bound action to disqualify the Chairman as Member of Karnataka Legislative Assembly cannot be granted.

19. Now we may advert to other writ petition which raises the issue of disqualification of Chairman and Members. Quo warranto prevents usurpation of public office by an individual. The necessary ingredients to seek a writ of quo warranto is that office in question is public, created by the Constitution or a law and the person holding the office is not legally qualified to hold the office in clear infringement of

provision of Constitution or the law. In **STATESMAN (PRIVATE) LTD. v H R DEB & ORS.**⁶, a Constitution Bench of Hon'ble Supreme Court has held that High Court in a quo warranto proceeding should be slow to pronounce upon the matter unless there is a clear infringement of law. In quo warranto proceeding, limited scope of enquiry is whether incumbent fulfilled the qualifications laid down under statutory provisions and writ of quo warranto can be issued when the appointment is contrary to Rules (see **HIGH COURT OF GUJARAT v. GUJARAT KISAN MAZDOOR PANCHAYAT**⁷, **MORE MODERN COOP. TRANSPORT SOCIETY LTD. v. STATE OF HARYANA**⁸, **CENTRAL ELECTRICITY SUPPLY UTILITY OF ODISHA v. DHOBEI SAHOO & ORS**⁹ and **BHARTI REDDY v. STATE OF KARNATAKA**¹⁰).

⁶ AIR 1968 SC 1495

⁷ (2003) 4 SCC 712

⁸ (2002) 6 SCC 269

⁹ (2014) 11 SCC 161

¹⁰ (2018) 6 SCC 162

20. In the instant case, the Legislature itself has expressly provided the disqualification under Section 4 of the 1976 Act. Admittedly, the Chairman is not disqualified under Section 4 of the 1976 Act. The sole contention of the petitioner is that under Section 3(5) of the 1976 Act, the Chairman shall be whole time Member and Chairman being Member of Legislative Assembly cannot be whole time member of the Authority. Section 3(3) of the 1976 Act provides that Members of Karnataka State Legislature can be members of the Authority. Similarly, Section 3(3) of the 1976 Act further provides that a representative of Bangalore Water Supply and Sewerage Board, Karnataka State Road Transport Corporation, Councillors of Bangalore City Municipal Corporation, the Commissioner and Secretary of the Authority shall also be Members. Thus, the Board comprises Members who may be appointed by the Government as well as Members who may be nominated by the

respective bodies. Section 8(1) of the 1976 Act provides that meetings of the Authority shall be convened by the Chairman and the Authority may from time to time appoint Committees consisting of the Chairman and such other members as it thinks fit and may with the approval of the Government associate with such Committees in such manner and for such period as may be prescribed, any person or persons whose assistance or advice.

21. The 1957 Act was enacted with an object to declare certain offices of profit not to disqualify their holders for being chosen as or for being, Members of Legislative Assembly or Legislative Council. Section 3(d) of the 1957 Act expressly enables a Member of Legislative Assembly or Council to a Chairman of a statutory body. Thereafter, the State Legislature enacted the 1976 Act. There is a presumption that Legislature while enacting a law has complete

knowledge of existing laws on the subject matter. Therefore, it can be safely presumed that Legislature had knowledge about provisions of 1957 Act while enacting 1956 Act. Section 3(5) of the Act provides for Chairman to be whole time member. The Court while construing two statutory provisions has the duty to harmonise them in such a way that none is rendered otiose. (See **INTERNATIONAL AIRPORTS**

AUTHORITY OF INDIA v. GRAND SLAM INTERNATIONAL¹¹). Therefore, Legislature while enacting Section 3(5) of 1976 Act could not have intended to render Section 3(d) of 1957 Act otiose. It cannot lightly be assumed that Legislature has given with one hand, what it took away from the other. (See **KRISHNA KUMAR v. STATE OF RAJASTHAN**¹²)

22. The word “whole time member” used in Section 3(5) of the BDA Act have to be read in the

¹¹ (1995) 3 SCC 151

¹² AIR 1992 SC 1789

context of other provisions of the BDA Act. An interpretation that Chairman cannot be a Member of Legislative Assembly would render provision of Section 3(d) of 1957 Act otiose. Therefore, such an interpretation cannot be accepted.

23. The provisions of the 1976 Act read as a whole and Section 4 in particular which expressly deals with disqualification for office of member, do not contain any express prohibition that a Chairman of the Authority cannot have any other avocation. If the Legislature intended that the Chairman of the Authority cannot have any other avocation, it would have expressly provided so in Section 4 while dealing with disqualification under Section 4 of the 1976 Act. It is pertinent to note that it is not the case of the petitioner that the Chairman is not available to attend the duties of the office of the Chairman of the Authority. The expression "whole time member" used

in Section 3(5) of the 1976 Act, thus read means that a Member who is available to attend the duties of the office of Chairman.

24. In **TECHI TAGI TARA v. RAJENDRA SINGH BHANDARI**¹³, the Hon'ble Supreme Court has held that while dealing with issue pertaining to appointment of Chairperson / Members of State Pollution Control Boards. The Hon'ble Supreme Court emphasized the need of making appointments with due application of mind and has directed the executive in all the States to frame appropriate guidelines / recruitment Rules and ensure that suitable professionals and experts are appointed as Chairman and Members of the State Pollution Control Boards. It is not the case of the petitioner that Engineer or Finance or Town Planner Members are either not suitable or do not have requisite

¹³ (2018) 11 SCC 734

qualification for appointment. The Bangalore Development Authority (Cadre and Recruitment and Conditions of Service) (Amendment) Regulations, 2004 provide for appointment of Engineer, Finance and Town Planner Members of the Authority. However, the aforesaid Rules are silent with regard to manner of appointment. In the facts of the case and taking into account the fact that respondent Nos.5 to 7 are eligible and have the requisite qualification to be appointed as Engineer or Finance or Town Planner Members, writ of quo warranto can be issued to quash their appointments. It is note worthy that respondent No.7 no longer continues as a Member of the Authority. Therefore, the question of examining the validity of his appointment as Member of the Authority no longer survives for consideration.

24. In view of preceding analysis, in our opinion, the appointments of Chairman and Members

of the Authority do not suffer from any infirmity. However, the State Government is directed to frame guidelines for appointment to the post of Engineer or Finance or Town Planner Members of the Authority, so that future appointments to the said posts can be made in consonance with the guidelines which may be framed by the Government.

Accordingly, the writ petitions are disposed of.

**Sd/-
ACTING CHIEF JUSTICE**

**Sd/-
JUDGE**