



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 4TH DAY OF OCTOBER, 2023

BEFORE

THE HON'BLE MR JUSTICE SURAJ GOVINDARAJ

WRIT PETITION NO. 16979 OF 2023 (LB-BMP)

BETWEEN:

...PETITIONER

(BY SRI. MADHUKAR.M.DESHPANDE., ADVOCATE)

AND:

1. JOINT COMMISSIONER (EAST) ZONE,
BRUHAT BANGALORE MAHANAGARA PALIKE,
ASHOK NAGAR, MAYOHALL,
BANGALORE - 560 001.
2. ASSISTANT REVENUE OFFICER,
HEBBAL SUB- DIVISION,
BRUHAT BENGALURU MAHANAGARA PALIKE,
BENGALURU - 560 024.
- 3.

Digitally signed
by
NARAYANAPPA
LAKSHMAMMA
Location: HIGH
COURT OF
KARNATAKA

...RESPONDENTS

(BY SRI.N.R.JAGADEESWARA, ADVOCATE FOR R1 AND R2
SRI.J.R.JAGADISH, ADVOCATE FOR R3)



THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF CONSTITUTION OF INDIA PRAYING TO CALL FOR THE ENTIRE RECORD IN PROCEEDINGS BEARING R.P.NO.JC(E)/SEC150/15/2022-23 ON THE FILE OF JOINT COMMISSIONER (EAST) ZONE, BRUHAT BANGALORE MAHANAGARA PALIKE, THE R1 HEREIN AND ETC.,

THIS PETITION, COMING ON FOR FINAL HEARING, THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER/JUDGMENT

1. Petitioner is before this Court seeking for the following reliefs:

- i) *Call for entire record in proceedings bearing R.P.No.JC(E)/Sec150/15/2022-23 on the file of Joint Commissioner (East) Zone, Bruah Bangalore Mahanagara Palike, the Respondent No.1 herein;*
- ii) *Issue a Writ of Certiorari or any other appropriate Writ or direction quashing the order dated 05.07.2023 (Annexure-A) passed by the Respondent No.1 in R.P. No.JC(E)/Sec150/15/2022-23;*
- iii) *Issue a Writ of Certiorari or any other appropriate Writ or direction quashing the order dated Rectification/Modification order dated 07.07.2023 passed by the Respondent No.1 in R.P. No.JC(E)/Sec150/15/2022-23 (Annexure-B);*
- iv) *Issue a Writ of Certiorari or any other appropriate Writ or direction quashing the entire proceeding conducted by the Respondent No.1 in R.P.No.JC(E)/Sec150/15/2022-23 (Annexure-C);*
- v) *Pass such other order as this Hon'ble Court deems fit to grant in the interest of justice and equity.*



2. The grievance of the petitioner is that the petitioner had entered appearance and participated in proceedings in R.P.No.JC(E)/Sec150/15/2022-23 when the matter was taken up on 02.03.2023, the same came to be adjourned on account of Presiding Officer was otherwise engaged in election proceedings and as such without fixing the date the matter came to be adjourned and there after without intimating the petitioner about the next date of hearing, it was taken up on 26.05.2023. Respondent No.1 was not present. The matter was posted for Orders and the Orders were pronounced on 05.07.2023.
3. On the basis of above, Sri.Madhukar.M.Deshpande, learned counsel for the petitioner submits that without intimation to the petitioner the matter was taken up on 26.05.2023 and Orders passed. If the petitioner was aware of the matter being taken up on 26.05.2023, he would have addressed his arguments which would have assisted the Presiding Officer in passing a reasonable Order.
4. This Court has dealt with similar matter in WP **No.6284/2023 [SRI.MARIGURU SWAMIGARA KUDURE SAMADHI GADDIGE MUTT/TEMPLE V/S THE CHIEF**



COMMISSIONER BBMP AND OTHERS] when this Court had categorically held that when the matter is adjourned by any Quasi Judicial Officer next date would have to be fixed while adjourning. If no such date is fixed, a notice by registered post would have to be issued to all the parties intimating next date of hearing. The same not having been done, so the petitioner was not aware that the matter would be taken up on 26.05.2023. In my considered opinion, proceedings which were proceeded without due notice to the petitioner is required to be set aside.

5. Above situation has also arisen on account on Bruhat Bengaluru Mahanagara Palike (in short BBMP) not uploading the Orders, Daily Orders and Judgments, in respect of the proceedings pending before the Quasi Judicial Authorities before the BBMP. It is therefore required that the Chief Commissioner, BBMP in association with the Principal Secretary E-Governance Department set up a system for webhosting all the cause lists and Orders passed in each of the matters on daily basis as done by this Court and the District Courts under E-Courts project and now done by the Revenue Department in respect of the



Revenue Court Cases Management System, which is available at rccms.karnataka.gov.in. Detailed project report and implementation report to be placed before this Court within four weeks from the date of receipt of the copy of the Order.

6. Learned AGA is directed to bring the above order to the notice of Principal Secretary E-Governance Department for doing the needful. Learned counsel for the Corporation is directed to bring the above Order to the notice of Chief Commissioner, Corporation for doing the needful.
7. In that view of the matter, I pass the following Order:

ORDER

i) Writ Petition is **allowed**. A certiorari is issued. The Order dated 05.07.2023 passed by respondent No.1 R.P.No.JC(E)/Sec150/15/2022-23 is quashed. Consequently the Order dated 07.07.2023 modifying the Order dated 05.07.2023 at Annexure-B is also quashed.



ii) The matter is remitted to respondent No.1 for fresh consideration from the stage that it was on 02.03.2023 by furnishing a copy of the petition to the petitioner and providing an opportunity to the petitioner to file his objections to the said petition.

iii) Though the above matter is disposed, to report compliance with the directions in para No.6 of this Order.

8. Registry is directed to print the name of Smt.B.P.Radha, learned AGA in the cause list to enable her to appear in the matter.

9. Re-list 06.11.2023

**Sd/-
JUDGE**

NJ
List No.: 1 SI No.: 21