

Harish Vs. The President

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Court : Karnataka

Decided On : Jul-25-2019

Judge : G.Narendar

Appeal No. : WP 31096/2019

Appellant : Harish

Respondent : The President

Advocate for Def. : Sri. H.V. Manjunatha

Judgement :

R1IN THE HIGH COURT OF KARNATAKA AT BENGALURU DATED THIS THE25H DAY OF JULY, 2019 BEFORE THE HONBLE MR.JUSTICE G.NARENDAR WRIT PETITION NOS.31096/2019 & 31326-31328/2019 & 31329/2019 & 31331/2019 (LB RES) BETWEEN1 HARISH S/O MUNIHUCHAYA AGED ABOUT29YEARS, SHOP No.PART-II, NO.4 2. MALLAYYA3 4. S/O ANJANAPPA, AGED ABOUT58YEARS, SHOP No.PART - II, No.1 RAMAMURTHY S/O SRINIVASIAH, AGED ABOUT48YEARS, SHOP No.PART - II, No.3 CHANDRASHEKHAR S/O GANGAIAH, AGED ABOUT40YEARS, SHOP No.PART - I, No.4 5. MUNIYAPPA S/O RAMAIAH, AGED ABOUT59YEARS, SHOP No.PART - I, No.3 BASAVARAJU S/O LINGAIAH, AGED ABOUT49YEARS, SHOP No.PART - I, No.2 6. 2 ALL ARE ALLOTTEES OF THE SHOPS AND ARE VENDORS IN THE COMMERCIAL COMPLEX AT

HESARAGHATTA VILLAGE, HESARAGHATTA HOBLI, BENGALURU NORTH TALUK BENGALURU - 560 088. ... PETITIONERS (BY SRI H V MANJUNATHA, ADV.) AND1 THE PRESIDENT, GRAMA PANCHAYATH, HESARAGHATTA VILLAGE HESARAGHATTA HOBLI, BENGALURU NORTH TALUK BENGALURU - 560088. THE SECRETARY, GRAMA PANCHAYATH HESARAGHATTA VILLAGE HESARAGHATTA HOBLI, BENGALURU NORTH TALUK, BENGALURU - 560088.

2.

... RESPONDENT

S (BY SMT. PAVITHRA, ADV. FOR SRI A.NAGARAJAPPA, ADV.) THESE WRIT PETITIONS ARE FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH AUCTION NOTICE VIDE ANNEXURE-C ISSUED BY THE R-1. THESE WRIT PETITIONS COMING ON FOR ORDERS THIS DAY, THE COURT MADE THE FOLLOWING: ORDER Heard the learned counsel for the petitioners Sri. H.V. Manjunatha and the learned counsel for the respondents- Ms. Pavithra. 3 2. The case of the petitioners is that they are the tenants in the shops owned by the second respondent Panchayat and that all of a sudden the second respondent- Panchayat has issued a public notice intending to hold an auction of the shop premises.

3. It is contended by the learned counsel that the second respondent could not have announced the auction which is to be held today without evicting the petitioners and if the respondent is permitted to continue with the auction, it could lead to multiplicity of litigation. He would further contend that it is apparent that the Panchayat intends to evict them and that there is all possibility that Panchayat would resort to illegal means to evict the petitioners without following the due process of law.

4. The law in this regard is governed by the ruling of the Division Bench in the case of Mohan P. Sonu vs. State of Karnataka and the various circulars of the Government wherein the local authorities have been specifically directed to allot

shops and other premises by way of public auctions. 4 5. In that view of the matter, the publication by the Panchayat, to hold an auction for allotment of the shops in the possession of the petitioners cannot be complained of.

6. As regards the apprehension of the petitioners that the Panchayat may resort to illegal means or may not follow the due process of law to evict them is without any reasonable basis. All statutory bodies are expected to act in consonance with law.

7. Hence, the apprehension canvassed by the counsel, that they may be evicted without following the due process of law cannot be appreciated. It is made clear that in the event the Panchayat resorts to any such steps to have the petitioners evicted without following the due process of law, it shall be open to the petitioners to approach this court for appropriate reliefs. Mere holding of auction does not amount to an order of eviction and it is hoped that the respondents would act in consonance with law. The learned counsel for the petitioners would further 5 contend that it could lead to multiplicity of proceedings. Mere fact that it could lead to multiplicity of proceedings cannot be a ground for this court to intervene in the auction process which is mandated by law. Hence, in the above observations, petitions stand disposed off. It is always open for the petitioners to participate in the auction process. Sd/- JUDGE Chs* CT-HR

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