

M/S Elite Constructions vs the Commissioner

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Court : Karnataka Orders

Decided On : Feb-01-2025

Judge : N S Sanjay Gowda

Appeal No. : WP/2630/2025

Appellant : M/S Elite Constructions

Respondent : The Commissioner

Judgement :

-1-

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 1ST DAY OF FEBRUARY, 2025 BEFORE THE
HON'BLE MR JUSTICE N S SANJAY GOWDA WRIT PETITION NO.
2630 OF 2025 (LB-BMP) BETWEEN:

1. M/S ELITE CONSTRUCTIONS REP BY PROPRIETOR SRI.
LINGARAJU, S/O SHIVAPPAJI AGED ABOUT 42 YEARS, R/A NO.8,
NEAR IAS OFFICERS LAYOUT, PLOT NO. 302, 3RD FLOOR, BTM
2ND STAGE, PETITIONER (BY SRI. SATHISHA D J., ADVOCATE)
AND:

1. THE COMMISSIONER

Digitally N.R.SQUARE, BANGALORE - 560002. signed by KIRAN KUMAR R
Location: 2. THE ASSISTANT DIRECTOR OF CITY PLANNING HIGH COURT
OF YESHWANTHAPURA DIVISION, KARNATAKA RAJAJESHWARI NAGAR
ZONE, RESPONDENTS (BY SRI. PAWAN KUMAR., ADVOCATE) -2- THIS W.P.
IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA.,
PRAYING TO QUASH THE PROVISIONAL ORDER DATED 27.11.2023 ISSUED
BY THE 2ND RESPONDENT UNDER SECTION 248(1) OF BBMP ACT,
BEARING NO.SA.NI(NAYO)/RARANAVA/PO/22/23-24, ISSUED BY THE 2ND
RESPONDENT AT ANNEXURE-F, AND CONFIRMATION

ORDER DATED 11.12.2023 UNDER SECTION 248(3) OF BBMP

ACT, ISSUED BY THE 2ND RESPONDENT, BEARING NO.SA.NI(NAYO)
/RARANAVA/PO /22/23-24, AT ANNEXURE-H, IN THE INTEREST OF JUSTICE
AND EQUITY, ETC. THIS PETITION, COMING ON FOR PRELIMINARY
HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER: CORAM:
HON'BLE MR JUSTICE N S SANJAY GOWDA

ORAL ORDER

1. As could be seen from the prayers made in the writ petition, the petitioner is essentially challenging an

order of confirmation, as against which, a statutory

appeal is provided for.

2. In that view of the matter, it would be appropriate to relegate the petitioner to avail of the statutory remedy of appeal instead of entertaining writ petition. -3-

3. This writ petition is therefore dismissed.

4. Liberty is therefore reserved to the petitioner to file

an appeal before the appellate authority within a period of four weeks from today, until then, the construction-in-question shall not be demolished. Sd/- (N S SANJAY

GOWDA) JUDGE GSR List No.: 1 SI No.: 14

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