

Malatesh Murthy, vs the Secretary

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Court : Karnataka Orders

Decided On : Mar-28-2025

Judge : S Sunil Dutt Yadav

Appeal No. : WP/8833/2025

Appellant : Malatesh Murthy,

Respondent : The Secretary

Judgement :

-1-

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF MARCH, 2025 BEFORE THE
HON'BLE MR JUSTICE S SUNIL DUTT YADAV WRIT PETITION NO.
8833 OF 2025 (LB-RES) BETWEEN:

1. MALATESH MURTHY, SON OF B.K.MYLARA RAO, SHOP NO.3,
TOWN MUNICIPALITY COMPLEX, (NRY) BENGRE MEDICALS,
BIRUR, KADUR TALUK,
2. DR. K.K. SHRIRAM, AGED ABOUT 79 YEARS, SON OF
K.R.KRISHNAMURTHY, SHOP NO.5, TOWN MUNICIPALITY
COMPLEX, (NRY) VENKATESWARA CLINIC, BIRUR, KADUR TALUK,

Digitally signed by VIJAYA P 3. MR. ABDUL LATHEEF, Location: HIGH COURT AGED ABOUT 45 YEARS, OF KARNATAKA SON OF K. AHAMMED, SHOP NO.6, TOWN MUNICIPALITY COMPLEX, (NRY) SHOE GARDEN, BIRUR, KADUR TALUK,

4. SRI. SRINIVASA H.V., AGED ABOUT 54 YEARS, SON OF H VENKATA GIRIYAPPA, SHOP NO.7, TOWN MUNICIPALITY COMPLEX,(NRY) BALAJI STATIONARY, BIRUR, KADUR TALUK, -2-

5. MR. VIMAL KUMAR P MEHTA, SON OF PARASMAL, SHOP NO.8, TOWN MUNICIPALITY COMPLEX, (NRY) POOJA ELECTRONICS, BIRUR, KADUR TALUK,

6. SRI. B.K.PRAKASH KUMAR, AGED ABOUT 48 YEARS, SON OF BAVAR LAL, SHOP NO.9 AND 10, TOWN MUNICIPALITY COMPLEX, (NRY) MANGAL CLOTH CENTRE, BIRUR, KADUR TALUK, PETITIONERS (BY SRI. RAGHU BABU N, ADVOCATE) AND:

1. THE SECRETARY URBAN DEVELOPMENT AUTHORITY, GOVERNMENT OF KARNATAKA, VIKASA SOUDHA, AMBEDKAR VEEDHI, BENGALURU - 560 001.

2. PLANNING DIRECTOR DISTRICT URBAN DEVELOPMENT CELL,

3. CHIEF OFFICER,

TOWN MUNICIPALITY, BIRUR (TMC), KADUR TALUK, RESPONDENTS (BY SRI. BOPANNA BELLIAPPA, AGA FOR R1 AND R2; SRI. S. MAHESH, ADVOCATE FOR R3) -3- THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF

THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER

PASSED BY THE R-3 DATED 11.03.2025 WHICH IS FILED AT ANNEX-N AND ETC., THIS PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER: CORAM: HON'BLE MR JUSTICE S SUNIL DUTT YADAV

ORAL ORDER

1. The present petition has been filed by the occupiers of shops belonging to the third respondent.

2. Petitioners have challenged the Auction Notification of the third respondent as regards auction of occupancy rights. Various contentions have been raised.

3. Learned counsel Sri S.Mahesh appearing for

respondent No.3 submits that upon instructions that in light of contentions raised in order to ensure that the auction process is not stalled, they would give up the auction process insofar as the shop nos.3 and 5 to 10 of the notification at Annexure - N dated 11.03.2025. In -4- light of such stand, question of entering into adjudication does not arise.

4. Accordingly, petition is disposed off in light of the stand of the third respondent as noticed.

5. Needless to state the third respondent is at liberty to

conduct fresh auction as per law and procedure as regards the said shops which are the subject matter of the present petition. It is made clear that there has been no adjudication on the merits of the contentions raised and accordingly all contentions are kept open. Sd/- (S SUNIL DUTT YADAV) JUDGE DHA List No.: 1
SI No.: 1 CT: BHK

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