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B Ajith Pai vs State of Karnataka

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Court : Karnataka Orders

Decided On : May-02-2025

Judge : S Sunil Dutt Yadav

Appeal No. : WP/13675/2025

Appellant : B Ajith Pai

Respondent : State of Karnataka

Judgement :

-1-

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 2ND DAY OF MAY, 2025 BEFORE THE HON'BLE MR JUSTICE S SUNIL DUTT YADAV WRIT PETITION NO. 13675 OF 2025 (LB-RES) BETWEEN:

1. B AJITH PAI S/O B ASHOK PAI, AGED 34 YEARS BUSINESSMAN

2. B ASHWINI PAI

W/O B AJITH PAI AGED ABOUT 33 YEARS HOUSEWIFE BOTH RESIDING AT 6-1-81B, "VYASADHAMA" Digitally signed by ANDRADE LANE BAILOOR WARD, VIDYA G R Location: 76 BADAGUBETTU HIGH COURT OF UDUPI DISTRICT

KARNATAKA KARNATAKA - 576 101. PETITIONERS (BY SRI. ARAVINDA KAMATH P., ADVOCATE) AND:

1. STATE OF KARNATAKA BY SECRETARIAT OF URBAN DEVELOPMENT SOUDHA BUILDING, AMBEDKAR VEEDHI, -2- SAMPANGI RAMANAGAR, BENGALURU - KARNATAKA - 560 001 BY ITS PRINCIPAL SECRETARY

2. COMMISSIONER OF UDUPI MUNICIPALITY KAVIMUDANNA MARGA, UDUPI -576 101.

3. DIRECTOR, UDUPI URBAN TOWN PLANNING AUTHORITY MALPE MAIN ROAD, ADI UDUPI - 576 103

4. PUNDALIKA PRABHU K S/O GOVERDHAN PRABHU "SWARNAGOWRI", ANDRADE LANE, BAILOOR, 76, BDAGUBETTU VILLAGE, UDUPI - 576 101 RESPONDENTS

(BY SRI. BOPANNA BELLIAPPA, AGA FOR R1 TO R3) THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASHING THE FINAL NOTICE DATED 21.04.2025 BEARING NO.UNS.B1.CR.200/4515/2024-25 ISSUED BY THE 2ND RESPONDENT - ANNEXURE 'A' AND ETC. THIS PETITION COMING ON FOR ORDERS THIS DAY,

ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR JUSTICE S SUNIL DUTT YADAV -3-

ORAL ORDER

Learned Additional Government Advocate accepts notice for respondent Nos.1 to 3. The issuance of notice to respondent No.4 is dispensed with, as the petition itself is being disposed of.

2. The petitioner has challenged the notice dated 18.09.2024 directing the petitioner to stop putting up the sunshade, failing which, necessary action will be

taken.

3. Learned Additional Government Advocate

appearing for respondent Nos.1 to 3 submits that, as against the notice impugned, the petitioner can avail of the alternative remedy of filing an appeal in terms of 1976.

4. In light of the availability of alternative remedy, the petition is disposed off relegating the petitioner to avail of the substantive remedy of filing an appeal under -4- 1976 against the impugned notice.

5. Needless to state that the impugned notice would be kept in abeyance for a period of four weeks from today. Sd/- (S SUNIL DUTT YADAV) JUDGE VGR

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