

Thimmegowda vs State of Karnataka

Thimmegowda vs State of Karnataka

SooperKanoon Citation : sooperkanoon.com/1915047

Court : Karnataka Orders

Decided On : Jun-28-2024

Judge : R Devdas

Appeal No. : WP/15336/2024

Appellant : Thimmegowda

Respondent : State of Karnataka

Judgement :

-1-

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF JUNE, 2024 BEFORE THE HON'BLE MR JUSTICE R DEVDAS WRIT PETITION NO. 15336 OF 2024 (LB-RES) BETWEEN: THIMMEGOWDA, S/O SONNEGOWDA, AGED ABOUT 64 YEARS, R/A MAJOR SHOP NO.1, IDSMT COMPLEX, ARKALGUDU TOWN, PETITIONER (BY SRI. ABHISHEK HUDDAR., ADVOCATE) AND:

1. STATE OF KARNATAKA REPRESENTED BY ITS SECRETARY
Digitally signed

COURT OF KARNATAKA

2. THE COMMISSIONER MUNICIPAL ADMINISTRATION, KGID BUILDING, PHODIUM BLOCK, BENGALURU 560 001

3. THE DEPUTY COMMISSIONER HASSAN DISTRICT, HASSAN 573 201 -2-

4. THE ASST. COMMISSIONER SAKLESH PURA, HASSAN 573 127.

5. THE CHIEF OFFICER

ARAKALGUDU TOWN PANCHAYAT, ARKALGUDU, RESPONDENTS (BY SRI. S.R. KHAMROZ KHAN, AGA FOR R1 TO R4; SRI. A.M. BALAJI, ADVOCATE FOR R5) THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO CALL FOR RECORDS i) DIRECT, QUASHING THE IMPUGNED MEMORANDUM DATED 05/03/2024 BEARING NO. MUNICI(2) CR/299/23-24 PASSED BY THE R3 INsofar AS THE PETITIONER IS CONCERNED, A COPY OF WHICH IS HEREIN PRODUCED AS ANNEXURE-G AND ETC. THIS PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

R.DEVDAS J., (ORAL): Learned Additional Government Advocate is directed to take notice for respondent Nos.1 to 4. Sri.A.M.Balaji, learned counsel has entered appearance for respondent No.5. -3-

2. Learned counsel for the petitioner submits that

although it is true that this Court has passed an order in W.P.No.10566/2024 dated 16.04.2024 directing respondent No.5 herein, to proceed to publish notification for auction of the shop premises belonging to respondent No.5 and proceed in terms of law and the guidelines issued by the State Government governing the auction of such shops, nevertheless, learned counsel submits that

insofar as the petitioner is concerned, he is a physically handicapped person and therefore, some concession is sought for the petitioner. Learned counsel submits that respondent No. 5 should be directed to consider whether the requirement of the present shop owners matching the highest bid or seeking allotment by paying 5% more than the highest bidder should be relaxed insofar as the petitioner is concerned.

3. In the considered opinion of this Court, unless there

is such a provision in the law or the guidelines issued by the State Government making certain concessions in favour of physically handicapped persons, no such direction can be given by this Court, nor can respondent No. 5 exercise any such discretion which is not vested in respondent No.5. -4-

4. In that view of the matter, the writ petition stands

disposed of directing respondent No.5-Chief Officer of the Town Panchayat to proceed in terms of the directions issued by this Court in W.P.No.10566/2024, even in respect of the petitioner. Sd/- JUDGE rv List No.: 1 Sl No.: 18 CT:SNN

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com