

Ulagappa And Ors. vs Divn. Commr. And Ors. on 26 July, 2000

Equivalent citations: JT2000(10)SC206, AIR 2000 SUPREME COURT 3603(2), 2001 (10) SCC 639, 2000 AIR SCW 4046(1), (2001) 4 SUPREME 462(1), (2000) 10 JT 206 (SC)

Author: V.N. Khare

Bench: V.N. Khare, S.N. Variava

JUDGMENT

V.N. Khare, J.

1. The respondent-State issued a notification dated 22.8.97 under Section 349 read with Section 4 of the Karnataka Municipalities Act, 1964, proposing to include certain areas within the limits of Tarikere Town Panchayat. It is alleged that the residents of the local area have filed objections, but their objections were not considered. At this stage they filed a petition under Article 226 of the Constitution. The High Court dismissed the writ petition repealing the contention raised by the petitioners. It is against the said judgment the appellants are in appeal before us.

2. During the course of hearing, we inquired from learned Counsel for the parties as to whether any final notification, including certain areas within the limits of the Tarikere Town Panchayat consequent upon the notification dated 22.8.97 has been issued or not. Learned Counsel for the parties stated that so far no such notification has been issued. Under such facts and circumstances, we feel that the writ petition filed by the petitioner, was premature and ought not to have been entertained by the High Court. Merely by issue of a notification dated 22.8.97, none of the rights of the petitioner was affected. Therefore, a decision on the basis of the notification dated 22.8.97 was totally unnecessary. In this view of the matter, the judgment and order of the High Court shall stand modified. The appeal stands disposed of in the aforesaid terms. There shall be no order as to costs.