Karnataka High Court

Bharti Airtel Limited vs The Deputy Commissioner on 24 June, 2008

Author: Ram Mohan Reddy

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IN THE HIGH comrr or KARNATAKA.

DATEE) THIS THE 24th DA*{"o1«3

BEFORE

TI-IE H()N'BLE MR.JUSTICi%§V:'i2AMv.MQHA§I i®IjDY
'WRIT PE'1'I'I'i():N-.No._472'VA§f':.2§§08. (LERES)

BETWEEN _

BHARTI AIRTEL I;..1_1v;.ITE.D__ ._
NO 55, f)IV"YA.;S}_iREE T40--\1sj:ER«s.i-- 1

BANNERC;H'm"1'A~1.:§4AIN_Roz=.B,.__
I3ANG,:4aLORE.29

REPRE.SE--N'rED'wBY IfTS'AU*£*H£)R1sEI3
SIGNATORY, V *

MR PRAsi~IAN'I'H'=1\: ..

PEFITIONER

" _ (Eg§':'r»a,{s LEX NE *LIs,=Ar>\q
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~ THE TOWN MUNICIPAL COUNCIL

TH'E~.u£')EPUTY COMMISSIONER

' HOSADURGA, CHITRADURGA REPRESENTED BY ITS CHIEF' OFFICER RESPONDENTS

~.CEjE I'I'RADURGA

{By Sri RAMESI-I BANNAPPANAVAR, AGA) THIS WRIT PETITION IS FILED UNDER AI~>:.I_'IcL-:~;s ;_ AND 227 OF THE CONSTITUTION QF INDIA~PI§AYINO TO --. " QUASH ANNEX.C., THE DIREc'1?Io'Ns. IS.SU_EI_)"V§_3Y -'.I'E-i§'.*.. FIRST RESPONDENT DT. 20.11.2907:-PASSEIT}...IIw¥;sIo.._I,r~:I>.' (3R.314/07-03.

THIS 'WRIT PETITION ool{m~:o on I:*oRl:iI>i2EI;1MINARY HEARING THIS DAY, *I*:~i:'«;_ CC}IJR'i"A3\:ii!-_E.TI-IE FOLLOWING: The? a«_;--3jlce.os'ee"'l.i3_1tI.der the Telegraph Act 1885, layout on a p1ivate"gprei1I.i'9=.eS' coiisent of its owner, was visited with a Iiotice. AnnexuIe--C of the Deputy Coi1imi§Isiovnerici.»111ii_1g«.apon him to remove and relocate the '_bwer iigga other than its present location, and followed . Aynnexures-E and F, of the Municipal

Council, the petitioner to comply with the directions of ., 'iiie4_Devvpluty Commissioner. Hence, this writ petition.

- 2. In the □rst place, Section 256 of T he Karnataka Municipalities Act, 1964, for short 'Act', does not empower the Deyuty Commissioner of the District to exercise the M power of a Municipal Commissioner. Be that as it petitioner has been issued with two notices V. F' of the Municipal Council, which i_s..no_t mspdnaéa it " 2 petitioner.
- 3. In the ci1*cumstani:¢;§;i.the petitio□rr 'is V to submit his exp1anatj:511V_to tI:1é'"no.ticos-yvhicftii the"Muni:ipal Counci} is bound to conéitiér and pass orders thereon in acooxionce sntrhitime the Municipal tiiéiitixplanation o□ered by the petitioner, no cocrcifm-_iactiGn.ca11 be taken.; 'Saibjeoit 'toitlie aiaotie observation, the writ petition is, i "I'§jECiIf:(i1H'. iiii it i Sd/---

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