

5. Addition of a Form. — After Rule 3 of the said rules, the following Form shall be added, namely:—

“Form of notice under Section 325(2) of the Karnataka Municipalities Act, 1964.”

[See Rule 2]

Notice is hereby given for the information of persons likely to be affected thereby that the Municipal Council has resolved at its meeting held on..... to adopt the..... model bye-laws and that the said bye-laws shall come into force in the Municipality with effect from..... Municipal Council.

Date

Municipal Commissioner
Chief Officer.”

THE KARNATAKA MUNICIPALITIES (APPEAL AND REVISION) RULES, 1967

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GSR 155.—In exercise of the powers conferred by clause (q) of sub-section (2) of Section 323 read with sub-section (2) of Section 69 and Section 343 of the Karnataka Municipalities Act, 1964 (Karnataka Act 22 of 1964), the Government of Karnataka hereby makes the Karnataka Municipalities (Appeal and Revision) Rules, 1967, the draft of the same having been published as required by sub-section (1) of Section 323 of the said Act in Notification No. LMA 7 MLR 67, dated 4th February, 1967, published as GSR 72, in Part IV, Section 2-C(i) of the Karnataka Gazette, dated 9th February, 1967, namely:—

1. **Title.**—(1) These rules may be called the **Karnataka Municipalities (Appeal and Revision) Rules, 1967.**

2. **Definitions.**—In these rules, unless the context otherwise requires,—

- (a) "Act" means the Karnataka Municipalities Act, 1964;
- (b) "Committee" includes the Standing Committee;
- (c) "Delegate" means a committee or individual to whom any power or function of the Municipal Council is delegated by or under the Act.

3. **Appeal.**—Save as otherwise provided in the Act and rules an appeal shall lie.—

(1) to the Municipal Council from an order passed or anything done by.—

- (a) the President or Vice-President in exercise of powers delegated under the Act or rules;
- (b) a committee;
- (c) the Municipal Commissioner under.—
 - (i) sub-sections (1) and (2) of Section 181;
 - (ii) clause (c) of sub-section (9) of Section 187;
 - (iii) sub-section (1) of Section 194;
 - (iv) sub-section (2) of Section 197;
 - (v) sub-section (2) of Section 228;
 - (vi) Section 230;
 - (vii) Section 256;
 - (viii) Section 259;
 - (ix) clause (b) of sub-section (1) of Section 264;
 - (x) Section 269;
 - (xi) clause (c) of sub-section (1) of Section 342 in respect of an order of dismissal.
- (d) the Chief Officer in exercise of the powers conferred upon him by or under the Act or rules;

(2) to the authority delegating any power, from an order made by the person other than the President or Vice-President, to whom the powers of the Municipal Council are delegated.

(3) to the Commissioner against any order passed or anything done by the Municipal Commissioner in the exercise of the powers conferred upon him by or under the provisions of the Act, other than those referred to in clause (c) of sub-rule (1).

4. **Second Appeal not admissible.**—Where an appeal lies under Rule 3 there shall be no second appeal to any other authority.

5. **Presentation of appeals and applications.**—Every appeal petition or application shall be accompanied by a copy of the order appealed against and bear a Court-fee stamp of seventy-five paise and shall.—

- (a) contain a precise statement of the case stating clearly the grounds on which the appeal or application is made;
- (b) be type-written or written in ink legibly;
- (c) specify the names and address of the appellant or applicant and those of the respondent or opponent, as the case may be;
- (d) state the authority whose order is complained of and the date of such order;
- (e) state precisely the relief the appellant or the applicant claims;
- (f) if presented after the expiry of period of limitation, state the reasons for the delay.

6. **Limitation.**—(1) No appeal shall be entertained unless it is preferred within thirty days from the date on which the appellant received a copy of the order appealed against:

Provided that the Appellate Authority may entertain the appeal after the expiry of the said period, if it is satisfied that the appellant had sufficient cause for not preferring the appeal in time;

(2) In computing the period of limitation, the time requisite for obtaining a copy of the order appealed against shall be excluded;

(3) where the period of limitation expires on a holiday, the appeal may be preferred on the next working day for the municipal office.

7. **Stay Order by Appellate Authority.**—The Appellate Authority may for sufficient cause, which shall be recorded in writing, order stay of execution of the order appealed against subject to such conditions as it may impose.

8. **Revision.**—(1) Subject to the provisions of the Act and the rules made thereunder the Municipal Council may call for and examine the record of any proceedings of the Chief Officer or any delegate and after such enquiry as it deems fit and if satisfied that the order of such authority is contrary to law, or

has resulted in miscarriage of justice, pass such orders thereon as it deems just.

(2) No order under sub-rule (1) shall be made to the prejudice of any person unless he is given an opportunity of being heard.

9. Repeal and savings.—The Karnataka Municipalities (Appeal and Revision) Rules, 1966, are hereby *repealed*.

Provided that anything done or any action taken under the said rules shall be deemed to have been done or taken under the corresponding provisions of these rules.

THE KARNATAKA MUNICIPALITIES (APPEARANCE BEFORE GOVERNMENT AUDITOR AND INSPECTION OF BOOKS AND VOUCHERS BY RATEPAYERS) RULES, 1966

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