

R1 Covering letter.

**NEXT DATE OF HEARING : 12.01.2024**

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 14<sup>TH</sup> DAY OF DECEMBER 2023**

**BEFORE**

**THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ**

**WRIT PETITION NO. 7313/ 2023 [LB-BMP]**

**PETITIONERS:**

1. M/S. LIDO MALLS MANAGEMENT (P) LTD.,  
(A COMPANY REGISTERED UNDER COMPANIES ACT, 1965)  
TRINITY CIRCLE, M.G. ROAD, BENGALURU - 560008,  
REP. BY ITS AUTHORIZED SIGNATORY  
R. VARGHESE, AGED ABOUT 48 YEARS,  
S/O LATE B. VARGHESE, GENERAL MANAGER AT LIDO MALL,  
3<sup>RD</sup> FLOOR, SWAMY VIVEKANANDA ROAD,  
HALASURU, BENGALURU-560 008.  
AND 3 OTHERS.

(NOTE: PETITIONER NO. 1 TO 4 ARE REP. BY  
THEIR POWER OF ATTORNEY HOLDER R. VARGHESE,  
AGED ABOUT 48 YEARS, S/O LATE B. VARGHESE,  
GENERAL MANAGER AT LIDO MALL, 3<sup>RD</sup> FLOOR,  
SWAMY VIVEKANANDA ROAD, HALASURU,  
BENGALURU - 560008.

By Sri. NATARAJA BALLAL., ADV.,  
Vs

**RESPONDENTS:**

1. COMMISSIONER,  
BENGALURU BRAHAT MAHANAGARA PALIKE,  
N.R. CHOWK, BENGALURU -560 002.

2. JOINT COMMISSIONER,  
(FINANCE & ADVERTISEMENT)  
BENGALURU BRAHAT MAHANAGARA PALIKE,  
N.R. CHOWK, BENGALURU -560 002.

3. ASSISTANT REVENUE OFFICER,  
(SHIVAJINAGAR SUB-DIVISION)  
DISPENSARY ROAD,  
BENGALURU BRAHAT MAHANAGARA PALIKE,  
BENGALURU - 560051.

SRI. PAWAN KUMAR ADV FOR R1 TO R3.  
SRI. B.S. SATYANAND ADV FOR R1 TO R3.

...(2)

Whereas, a Writ Petition filed by the above named petitioner under Article 226 & 227 of the constitution of India, has been registered by this Court.

Read the Interim order granted on 09.08.2023 and extended from time to time.

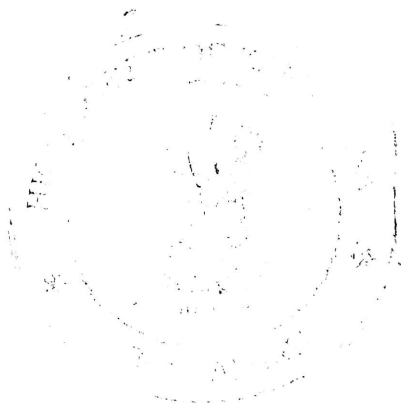
After hearing, the Court made the following:

**(VIDEO CONFERENCING)**

**ORDER**

(COPY OF THE ORDER DATED 14.12.2023 IS ENCLOSED  
SEPARATELY)

PD 04.01.2024



WP NO. 7313/2023

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

[M/S LIDO MALLS MANAGEMENT (P) LTD AND OTHERS VS.  
THE COMMISSIONER Bruhat Bengaluru Mahanagara Palike AND  
OTHERS]

**SGRJ**

14.12.2023

(VIDEO CONFERENCING)

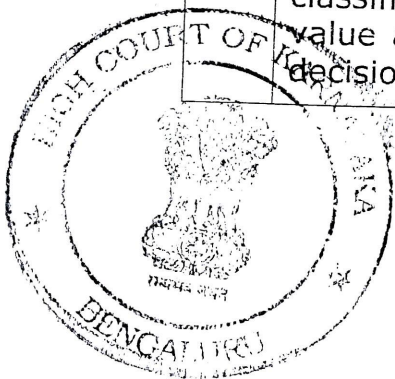
**ORDER**

1. Learned counsel for respondents No.1 to 3 has filed a memo enclosing various orders passed by the Chief Commissioner of the Corporation and Appellate provisions thereon. Same reads as under: xxx

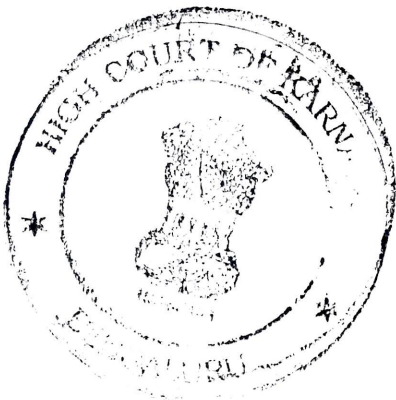
Sl. No.	Orders that can be passed by the Chief Commissioner/ Other Officials	Appellate Provisions
1	S.19 (2)(c), 2 <sup>nd</sup> Proviso: CC may Suo moto/on report to him, enquire into whether the seat of a person has become vacant.	S.19(3): Appeal to Government and Orders becomes Final and binding
2	S.22: Election Petition Dispute of Councillor-Challenge before District Court	S.26: Appeal to High Court
3	S.48: Prohibition of simultaneous Membership: Couincillor to intimate the Chief Commissioner, if not Chief Commissioner, to decide the choice of the Councillor by lot and notify the Ward from which such Councillor to serve.	NA
4	S.19 & 50: Requisition of premises, vehicle etc., for election purposes: Determination of Compensation -	



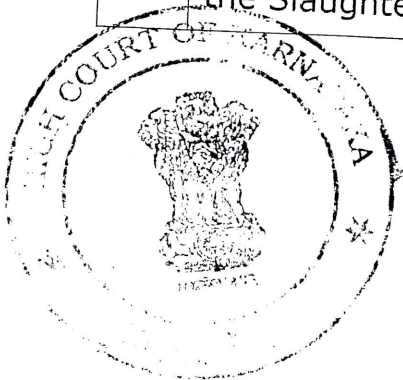
	Aggrieved Person to file an Application to the Requisition Authority and Requisition Authority to refer the same to Civil Judge having Jurisdiction in the locality under Section 50.	
5	S.78: Powers and Functions of Zonal Committee-Decisions taken by the Zonal Committee. Under Sub-Section (3), CC has the power to review and nullify the decisions of the Zonal Committee, if they are against the provisions of law.	
6	S.96: Any Decision of the Regional Commissioner/Chief Commissioner in respect of election to the office of the Mayor/Deputy Mayor/Members/ Chairman of the Standing Committee	Appeal to the Karnataka Appellate Tribunal
7	S.111, Proviso: Chief Commissioner to refer any Resolution in his opinion, against the Act and any other law, to the Government	
8	S.143: Imposition of Cesses	S.143(4): Appeal to Karnataka Appellate Tribunal
9	S.44 (5), Expln, 3 <sup>rd</sup> Proviso: CC to can determine lump sum tax in lieu of Taxes under (2), in respect of Buildings as specified therein.	
10	S.144 (12, 13 & 15): Assessment/Reassessment of Property Taxes by the Chief Commissioner/Authorised Officer	s.179: Appeal to Karnataka Appellate Tribunal
11	S.144 (18): The Chief Commissioner can clarify any doubt as to classification of Zones, unit area value and class of property and his decision is Final	



12	S.148: Demand for payment of tax and recovery of taxes.	S.148(2): Appeal to Karnataka Appellate Tribunal
13	S.149(5) 150: Review of Transfer of Title is recorded in the Registers by Fraud and Suppression-CC may conduct enquiry within 3 years.	S.179: Appeal to Karnataka Appellate Tribunal
14	S.161: CC to direct Removal of Advertisement Hoardings that are contrary to Sections 158 & 159	S.179: Appeal to Karnataka Appellate Tribunal
15	S.170: CC to order re-assessment of Entertainment Tax.	S.171: Appeal to Karnataka Appellate Tribunal
16	S.178: CC to assess taxes or fees in case of escape from Assessments.	S218: Zonal Commissioner to take action if there is streets formed in violation of Section 217.
17	S.217: Making of Private Streets-Permission to be obtained from CC within 60 days.	
18	S.222 to 224: Power of CC to impose restrictions on erection of Buildings with Street Alignments etc.	
19	S.225: Power of Zonal Commissioner to issue directions in respect of Private Street to the owners, if not complied with the Directions so issued.	
20	S.227 to 229: Power of Zonal Commissioner to direct removal of Encroachments upon streets.	
21	Any orders passed under Chapter XVI by the Zonal Commissioner under various Sections	S.253: Appeal lies to Chief Commissioner and his Orders is Final



22	S.254: Prohibition of Nuisance-Zonal Commissioner or the Officer authorized in this behalf can pass Order (2) & (3), for removal under the provisions of the Karnataka Open Places Act, 1981.	
23	S.256 to 263: Powers of the CC to pass order in respect of various nuisances under various Sections as stated above	
24	S.268: Disinfection of Buildings and Articles-Zonal Commissioner/Health Officer to direct the Owner or occupier to do so, failing which, Zonal Commissioner/Health Officer to remove such of articles from the building.	
25	S370: CC to order closure of places of Public entertainment in the event of prevalence of any dangerous disease within the city.	
26	S.282 & 283: CC's Power to stop Dangerous Quarrying and to order filling in pools etc., which are a nuisance and powers to get the same removed under Section 356	
27	S.307, 308 & 314: Zonal Commissioner to suspend/revoke the Licences and written permissions and also stop using of the premises for which such suspension is issued, in respect of Trades specified under Section 305	S.311: Notice issued -or Order taken by the Zonal Commissioner, Appeal lies to Chief Commissioner whose order is final
28	S.310: Power of the Zonal Commissioner or any person so authorized in his behalf, to inspect the Slaughter Houses.	S.311: Action taken by the Zonal Commissioner, Appeal lies to Chief Commissioner whose order is final



29	S.354: In the event of any obstruction by the occupier of the Building, the Chief Commissioner to permit the Owner to carry out such acts to bring it within compliance of the Act, Regulations and Bye-Laws.	
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2. Respondent No.1 is directed to put up the same on the website. *(List and copy of I/O enclosed herewith.)*
3. Relist on 12.01.2024.

Sd/-  
JUDGE

**COPY**

LN  
List No.: 1 SI No.: 94

*6/1/24*  
Assistant Registrar  
High Court of Karnataka  
Bengaluru - 560 001

*6/1/24*

*6/1/2024*

