

IN THE HIGH COURT OF KARNATAKA, BANGALORE

DATED THIS THE 9TH DAY OF MARCH, 2006

BEFORE

THE HON'BLE MR. JUSTICE RAM MOHAN REDDY

C.R.P. NO.1 OF 2005

BETWEEN

THE COMMISSIONER,
HUBLI-DHARWAD MUNICIPAL
CORPORATION, HUBLI,
DIST. DHARWAD - 580 020.

----PETITIONER

(BY SRI R G DEVADHAR, ADV.)

AND

1. SMT. RAMABAI
W/O NARAHARI RAIKAR,
AGED ABOUT 50 YEARS,
OCC: BUSINESS,
R/O HUBLI, APSARA TALKIES,
COEN BOARD, HUBLI,
DIST. DHARWAD - 580 020.

2. THE DIVISIONAL COMMISSIONER,
BELGAUM DVN. D.C. COMPOUND,
BELGAUM.

----RESPONDENT

THIS CRP IS FILED U/S 115 CPC AGAINST THE
JUDGMENT AND ORDER DATED 6.10.2005 PASSED IN
MISC. APPEAL NO.33/2002 ON THE FILE OF THE 1ST
ADDL. DIST. JUDGE, DHARWAD, SITTING AT HUBLI,
ALLOWING THE MISC. APPEAL FILED U/R 20 SCHEDULE 3
OF THE KARNATAKA MUNICIPAL CORPORATION ACT AND
SETTING ASIDE THE COMMON ORDER DATED 2.2.2002

br

PASSED BY THE DIVISIONAL COMMISSIONER IN
MUN:GEN:CR:131:88-89.

THIS PETITION COMING ON FOR ADMISSION, THIS
DAY THE COURT MADE THE FOLLOWING:

ORDER

The Commissioner of Hubli Dharwad Municipal Corporation being aggrieved by ^{the} common judgment dated 6th October, 2005 in Misc. Appeal Nos.33 and 34/2002 on the file of the 1st Addl. District Judge, Dharwad, has presented this revision petition.

2. The Appeal Committee of the Corporation reduced the rateable value of the properties belonging to the respondent. As against the same, the Divisional Commissioner in exercise of his powers under Rule 19(1) of Schedule III to the Karnataka Municipal Corporation Act, 1976, passed an order dated 31.1.2002 enhancing the rateable value, in respect of 16 properties. The respondent having questioned the same before the District Judge by way of an appeal under Rule 20, the same came to be allowed by the impugned order. The trial court observed that the Divisional Commissioner had passed an



order in respect of 16 properties without assigning reasons while enhancing the annual rateable value. In addition, the trial court found that the order was in violation of principles of natural justice ^{by v.} in not affording an opportunity of hearing to the respondent. Since the order was cryptic and did not assign reasons, the District Judge allowed the miscellaneous appeals.

3. Sri Devadhar, learned counsel for the Corporation would seek to sustain the order of the Divisional Commissioner as being well merited.

4. Having examined the order impugned, there can be no doubt in my mind that the Divisional Commissioner failed to comply with the provisions of Rule 19(1) by extending an opportunity of ^{by v.} being heard ^{ing v.} to the respondent before passing the order. The ^{v.} trial court ^{below v.} was fully justified in recording a finding that the order was cryptic and did not assign reasons for enhancement of annual rateable value. Suffice it to state that the reasons assigned by the

JK

^{L. below d.}
~~trial~~ court for allowing miscellaneous appeals are well
merited and do not call for interference.

Revision petition is without merit and is accordingly
rejected.

Sd/-
Judge

Csg.