

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST DAY OF JANUARY 2019

BEFORE

THE HON'BLE MR.JUSTICE S. SUNIL DUTT YADAV

WP Nos. 40652-653/ 2018 (LB-BMP)

BETWEEN

1. RETAILERS ASSOCIATION OF INDIA
 A COMPANY UNDER THE COMPANIES ACT, 1956
 HAVING ITS REGISTERED OFFICE
 AT 111/112, ASCOT CENTRE,
 SAHAR ROAD, SAHAR, ANDHERI (EAST),
 MUMBAI-400 099.
 REPRESENTED BY ITS AUTHORIZED SIGNATORY
 MR. GAUTAM JAIN

2. ADITYA BIRLA FASHION AND RETAIL LIMITED
 A COMPANY UNDER THE COMPANIES ACT, 1956,
 HAVING ITS REGISTERED OFFICE
 AT 701-704, 7TH FLOOR,
 SKYLINE ICON BUSINESS PARK,
 86-92, OFF A.K. ROAD,
 MAROL VILLAGE, ANDHERI EAST,
 MUMBAI-400 059,

 HAVING ITS CORPORATE OFFICE AT
 KH. NO. 118/110/1, DIVYASREE TECHNOLIS,
 BUILDING-2, YEMLUR POST,
 OFF HAL AIRPORT ROAD,
 BENGALURU-560 037.
 REPRESENTED BY ITS AUTHORISED SIGNATORY
 MR. IBRAHIM. V. N.

... PETITIONERS

(By Smt . PALLAVI SMRITI, ADV.)



This Certified copy contains..... 4Pages
 And Copying charges of ₹..... 15 is
 Received

AND

1. BRUHAT BENGALURU MAHANAGAR PALIKE
THROUGH COMMISSIONER,
HAVING ITS OFFICE AT NARASIMHA RAJA SQUARE,
BENGALURU-560 002.
2. MEDICAL OFFICER OF HEALTH
BRUHAT BENGALURU MAHANAGARA PALIKE,
HAVING ITS OFFICE AT BTM ZONE,
BBMP BUILDING,
16TH MAIN ROAD,
OPPOSITE TO CHAMUNDESHWARI TEMPLE,
BTM 2ND STAGE,
BENGALURU-560 076.
3. MEDICAL OFFICER OF HEALTH
BRUHAT BENGALURU MAHANAGAR PALIKE,
HAVING ITS OFFICE AT SHANTINAGAR,
AUSTIN TOWN,
BENGALURU-560 025.

... RESPONDENTS

(By Sri. V. SREENIDHI, ADV. FOR R1 TO R3)

THESE WRIT PETITIONS ARE FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH CIRCULAR DTD 22.07.2017 ISSUED BY R-1 [ANNEXURE-A] AS BEING, ILELGAL, INVALID, VOID-AB-INITIO AND ULTRA VIRES THE KARNATAKA MUNICIPAL CORPORATIONS ACT, 1976 AND ETC.

THESE WRIT PETITIONS COMING ON FOR ORDERS THIS DAY, THE COURT MADE THE FOLLOWING:-



ORDER

The petitioners have sought for issuance of writ, order or direction in the nature of Ceterari to quash the Circular dated 22.07.2017 bearing No.B12/C1/PR/10/2016-17 and Circular dated 30.07.2018 bearing No.HO/BTM/PR/269/2017-18, and other reliefs relating to the notice issued in pursuance of the said Circular.

2. An affidavit has been filed by Sri. K.D. Deshpande, Head of Legal Cell and Delegated Authority, BBMP, Bengaluru, and it is submitted at Paragraph No.4 as follows:-

4. I submit that I had a discussion with the Commissioner, BBMP and based on his instructions, I submit that no preceptitative action is being taken consequent to the issuance of the above circulars. In view of the above, this Hon'ble Court may be pleased to dispose of the writ petition in the interest of justice and equity.

3. Accordingly, there is no cause of action for the petitioners to continue with the present legal proceedings.

It is made clear however that in the event cause of action



arises necessitating the petitioners to seek similar reliefs as sought for in the present petitions, liberty is reserved to take appropriate action to institute fresh proceedings in accordance with law.

4. Accordingly, the writ petitions are disposed of subject to the above observations.

Sd/-
JUDGE

Np/-

TRUE COPY
[Signature]
Section Officer
High Court of Karnataka
Bengaluru-560 001
29.1.19



- a) The date on which the application was made 24/1/19
- b) The date on which charges and additional charges if any are called for _____
- c) The date on which charges and additional charges if any are disposed/Paid _____
- d) The date on which the copy is ready 29/1/19
- e) The date of notifying that the copy is ready for delivery 29/1/19
- f) The date on which the applicant is required to appear on or before 1/2/19
- g) The date on which the copy is delivered 2/2/19
- h) Examined by 30/1/19 H.