

ORDERS ON I.A.No.1

The appellant preferred this appeal u/s 443(a) of KMC Act against the impugned order dated 14.11.2022.

Heard the arguments and perused the records.

It is seen that, the respondent passed temporary orders on 31.10.2022 and there after passed final orders on 14.11.2022 wherein the Appellant is directed to remove the unauthorised constructions within 24 hours. The Appellant produced the copy of the orders passed in WP No.10613/2022 (GMCPD) dated 20.06.2022 wherein the orders passed on I.A. filed U/o 39 R 1 and 2 CPC in MA 29/2022 was challenged by the present Appellant against the Respondents therein. The Commissioner MCC is also a party in the above said WP No.10613/2022 (GMCPD).

On perusal of the orders passed in WP No.10613/2022 (GMCPD), the present Appellant was directed to file an undertaking before the Trial Court that, he will demolish the illegal constructions at his own cost in the event he suffers a decree. It is also observed in the body of the Judgement that, this Appellant cannot be restrained from commencing with the construction till disposal of the suit. Anyhow the, impugned order shows that, the Appellant is given only 24 hours time to remove the unauthorised constructions. So, if the order is

not stayed, the Respondent is going to take steps for demolishing of the constructions immediately and in such an event, the Appellant will be put to much hardship and inconvenience. In addition to this, if the order is not stayed, the appeal may become itself infructuous. So, the Appellant has made out sufficient grounds to grant an exparte order of stay of the impugned order dated 14.11.2022. Hence, the following

ORDER

The I.A.No.1 is allowed.

The impugned final order No. ಅದೇಶ ಕ್ರಮಂಃ
ವೈ.ನ.ಪಾ./ವ.ಅ.ಕ-03/14/19-20, ದಿನಾಂಕ 14-11-2022 is
stayed till the next date of hearing.

Issue notice of this petition and IAs to the
respondent r/by 14.12.2022.

14.11.2022
Pr. District and Sessions Judge,
Mysuru.