

PETITIONER:
K. RAMADAS SHENOY

Vs.

RESPONDENT:
STATE OF KARNATAKA AND OTHERS

DATE OF JUDGMENT 05/10/1993

BENCH:
PUNCHHI, M.M.
BENCH:
PUNCHHI, M.M.
SINGH N.P. (J)

CITATION:
1994 SCC Supl. (2) 516

ACT:

HEADNOTE:

JUDGMENT:

ORDER

The only point for consideration which has been argued by the learned counsel for the appellant, is that the combined reading of Sections 48 and 49 of the Karnataka Town and Country Planning Act, 1961 envisages a public enquiry in which the citizens of a Municipality are entitled to raise their voice for and against it when varying a scheme on account of an error, irregularity or informality under Section 48 or when revoking or varying such scheme in terms of Section 49. The High Court of Karnataka has taken the view that no such hearing as such claimed by the appellant is envisaged under sub-section (2) of Section 49 because the action impugned herein has been taken under that provision. The argument is built by the appellant's learned counsel on the relativity of both the sections. Having considered the objection from all possible angles and having heard learned counsel in detail, we are of the view that the interpretation given by him does not commend to us on the plain language of the provisions employed. It is left to the discretion of the State Government when revoking a scheme under sub-section (2) of Section 49 to make such inquiry as it deems fit, and such inquiry need not necessarily extend to the citizens getting any opportunity of being heard. We, therefore, agree with the view expressed by the High Court in individually interpreting that provision and dismiss the appeal. No costs.

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