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## **BBMP order cancelling mutt's building licence stayed**

Ramachandrapura Mutt alleges that the then BBMP Commissioner passed 'illegal' order for 'extraneous reasons'

The High Court of Karnataka on Wednesday stayed an order, passed by the then Commissioner of the Bruhat Bengaluru Mahanagara Palike (BBMP) N. Manjunath Prasad, cancelling the approved building plan and the khata besides "declaring as null and void" the sale deed executed in 1978 in favour of Sri Ramachandrapura Mutt by a house building co-operative society in relation to a site at Girinagar where the mutt is now constructing a building.

Justice B. Veerappa passed the interim order on a petition filed by the mutt, which has questioned the April 7, 2018 order passed by the then Commissioner.

The petitioner has "reason to believe that the impugned order has been passed much after Manjunath Prasad was transferred from the BBMP. In other words, the impugned order has been backdated and passed by the then Commissioner BBMP when he had become functus officio," it has been complained in the petition.

The April 7 order was passed by Mr. Prasad “for extraneous reasons and at the instance of vested interests” after he demitted the office as Commissioner, BBMP, in the first week of May 2018 by putting a backdate, it has been alleged in the petition.

The Commissioner has no powers to declare a sale deed as null and void as such powers are given only to the civil courts, the mutt contended while claiming that the BBMP Commissioner cannot term as “illegal” the action of Bangalore Development Authority in granting no-objection certificate in favour of the mutt.

The mutt contended in the petition that Mr. Prasad heard mutt's point of view through its advocate on correctness of plan approval and reserved his order in November 2017. It has been stated in the petition that on April 16, 2018, the BBMP's Legal Cell head orally asked mutt's counsel to give clarification on the issue pending for adjudication before the Commissioner, but shockingly the order was dated April 7.

The BBMP, in 2013, approved the mutt's plan for constructing a community hall, etc. on the site. However, the BBMP, in 2016, cancelled the approval without issuing any notice to the

mutt. Later, the BBMP withdrew order of cancellation after the High Court in July 2017 found fault with its action in a petition filed by the mutt. In August 2017, the High Court disposed of two PIL petitions against the approved plan and directed the Commissioner to examine whether the plan approved has to be cancelled or not after giving opportunity of hearing to the mutt.