

No. R(J) 216/2022

High Court of Karnataka
Bengaluru
Date: 07/12/2022

CIRCULAR

The Hon'ble Court vide order dated 23.11.2022 in W.P.No.20047/2022 (LB-BMP) has passed the following order, which reads as under:

ORDER

"By Circular dated 16.07.2021, registry was directed to verify if copies of the petitions/appeals/applications are served on the statutory authorities in the physical form or in the soft copy form before listing cases. One of the statutory authorities referred to in the said Circular is Bruhat Bengaluru Mahanagara Palike (B.B.M.P.).

2. The said circular was issued pursuant to the orders dated 30.06.2021 and 12.07.2021 respectively passed in W.P.No.7338/2020 (GM-RES-PIL) (SUO MOTU) dealing with the issue of service of notice to various public sector corporations. At paragraph 10 of the said order submission made by the learned counsel for Bruhat Bengaluru Mahanagara Palike (B.B.M.P.) is recorded. Paragraph 10 the said order reads as follows:

"10. The learned counsel appearing for the Bruhat Bengaluru Mahanagara Palike (BBMP) states that it will take some time for BBMP to make a provision for accepting soft copies. However, he states that copies of the cases filed in the physical form will be accepted at the following address:

***Office of the head of the Legal Cell
Bruhat Bengaluru Mahanagara Palike
N R Square
Bengaluru"***

3. In that view of the matter, petitioner/s who are filing the writ petition/s against the Bruhat Bengaluru Mahanagara Palike (B.B.M.P.) have been asked to serve the physical copies of the petition/s along with the annexures on the B.B.M.P.

Contd.....

4. This Court has observed that there is no representation by and on behalf of BBMP at the initial stage of the case. Most of the time even after service of notice there is no representation on behalf of the B.B.M.P. In some cases it is noticed that learned counsel on the panel of B.B.M.P. who have been directed to take notice or who have filed vakalath, have subsequently withdrawn their vakalath, on the premise that B.B.M.P. has assigned the matter to some other counsel on the panel. This has lead to an anomalous situation of irregular and inconsistent representation on behalf of the B.B.M.P. The object of the circular requiring service of copies of the cases filed in the physical form or in the soft copy form is not far to seek. It is only to ensure that in emergent situations, emergent orders could be passed only after hearing B.B.M.P.

5. Therefore, insistence on the petitioner/s to serve the copy of the petition on the B.B.M.P. is not serving the purpose. Learned counsel on the panel of BBMP Sri.V.Sreenidhi and Smt.M.C.Nagashree submits that the B.B.M.P. is contemplating appointing a regular Liaisoning officer who will be receiving the copies and interacting with the counsel on panel. Submission is taken on record.

6. Till such arrangement is made by the B.B.M.P., registry to obtain necessary orders/directions/instructions as to if the registry shall have to continue to insist service of copies of petition in physical form or in soft copy form on the BBMP at the time of filing of petition.

7. Copies of this order be sent to the Chief Commissioner, Bruhat Bengaluru Mahanagara Palike (B.B.M.P.) and also the Head of Legal Cell, Bruhat Bengaluru Mahanagara Palike (B.B.M.P.)”

Hence, as directed by Hon'ble The Chief Justice, the Circular No.R(J) 73/2021, dated 16.07.2021 with respect to Para No.10 of the order dated 30.06.2021 is hereby recalled and said circular stands modified accordingly.

Further, the Officers and Officials working in the Scrutiny Branches and Pending Branches are hereby directed not to insist for service of copies of petitions/appeals/applications in physical form or in soft copy form on the BBMP.

BY ORDER OF THE HON'BLE CHIEF JUSTICE

**Sd/-
(M.CHANDRASHEKAR REDDY)
REGISTRAR (JUDICIAL)**

To:

1. The Addl. Registrar General, High Court of Karnataka, Benches at Dharwad and Kalaburagi.
2. The Central Project Co-ordinator, with a request to web-host the circular.
3. P.S. to Hon'ble the Chief Justice.
4. All the Private Secretaries to Hon'ble Judges.
5. All the Pas to Registrars with instructions to bring to the notice of the concerned Registrars about the circular.
6. The Chairman, Karnataka State Bar Council, Old KGID Building, Bengaluru.
7. The President, Advocates' Association, Bengaluru.
8. The President, Advocates' Association, High Court of Karnataka, Dharwad/Kalaburagi Bench.
9. Office of the Advocate General in Karnataka, Bengaluru.
10. Office of the Advocate General, High Court of Karnataka Dharwad/Kalaburagi Bench.
11. The President, Women Federation of Lawyers, Bengaluru.
12. P.A. to Registrar (Judicial), with a request to circulate the same to all the Court Officers and Asst. Court Officers of this office.
13. Group 'A' Officers working on judicial side.
14. All the Section Officers, working on judicial side, with a direction to circulate the same to the Staff working under their control.
