

SUPREME COURT OF INDIA

Ulagappa

Vs.

Divn. Commr., Mysore

C.A.No. 3981 of 1999

(V. N. Khare and S. N. Variava , JJ.)

26.07.2000

ORDER

1. The respondent-State issued a notification dated 22-8-1997 under Section 349 read with Section 4 of the Karnataka Municipalities Act, 1964 proposing to include certain areas within the limits of Tarikere Town Panchayat. It is alleged that the residents of the local area have filed objections, but their objections were not considered . At this stage they filed a petition under Art. 226 of the Constitution. The High Court dismissed the writ petition repealing the contention raised by the petitioners. It is against the said judgment the appellants are in appeal before us.

2. During the course of hearing, we inquired from learned counsel for the parties as to whether any final notification, including certain area within the limits of the Tarikere. Town Panchayat consequent upon the notification dated 22-8-1997 has been issued or not. Learned counsel for the the parties stated that so far no such notification has been issued. Under such facts and circumstances, we feel that the writ petition filed by the petitioner was pre-mature and ought not to have been entertained by the High Court. Merely by issue of a notification dated 22-8-1997, none of the rights of the petitioner were affected. Therefore, a decision on the basis of the notification dated 22-8-1997 was totally unnecessary. In this view of the matter, the judgment and order of the High Court shall stand modified. The appeal stands disposed of in the aforesaid terms. There shall be no

order to costs.

Order accordingly.