



Municipal Corporation Act, 1976, Section 114-A - Khata - Cancellation of - By commissioner - Communication quashed due to a breach of natural justice. [2021 PLRonline 5205 (Kar.)]

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**Municipal Corporation Act, 1976, Section 114-A - Property allotted by the Mysore Urban Development Board in 1988 - Khata transfer took place in 2003, and the property taxes were paid - Construction was completed by B. Thimmappa, who received a Hakku Patra in 2003 and registered the sale deed - Property sold further - Commissioner cancelled the khata - Petitioner claims that the Official Communication should be quashed due to a breach of [natural justice](#), specifically the lack of notice under Section 114-A of the Municipal Corporation Act, 1976 - Section 114-A allows the Commissioner to [review](#) cases of [title](#) transfer within three years if [fraud](#) or misrepresentation is suspected, with the requirement to provide a reasonable opportunity for the affected person to be heard - The petitioner argues that they were not given this opportunity, violating Section 114-A - The Commissioner's issuance of an Official Memorandum without a speaking order contradicts statutory provisions - Principle of Audi alteram partem (the right to be heard) in natural justice - Public functions are expected to be performed fairly, especially when they may impact a person's rights or legitimate expectations of fair treatment - [writ](#) petition allowed.**

*Held*, It is needless to say that whenever a public function is being performed there is an inference, in the absence of an express requirement to the contrary, that the function is required to be performed fairly. The inference [will](#) be more compelling in the case of any decision which may adversely affect a person's rights or interests or when a person has a legitimate expectation of being fairly treated. The significance of this approach is that it prima facie imposes on all administrators an obligation to act fairly. Without acknowledging this expressly, the majority of the decisions/orders of the public authorities are in practice no more than conscious or unconscious illustrations of the approach.

#### **HIGH COURT OF KARNATAKA AT BENGALURU**

DATED THIS THE 30TH DAY OF JUNE, 2021

BEFORE

THE HON'BLE MS. JUSTICE JYOTI MULIMANI

**WRIT PETITION NO.26131 OF 2015 (LB-RES)**

**SRI D.DIVAKAR v. COMMISSIONER, MYSORE CITY CORPORATION,**

2021 PLRonline 5205 (Kar.)

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