

Karnataka High Court

H S Prakash vs Bangalore Development Authority on 12 December, 2008

Author: Ajit J Gunjal

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IN THE HIGH COURT OF KARNATAKA, BANQA:-ORE

DATED Tms THE 32TH DAY 012' DECEMB;\$Efi,::'\$2»?36S"

B}3)FORE~~

THE fi0N'BLE MR. JUSTICE 7'.¥_XJi'T _

WRIT PE'm':0N No'8 1"a3 of 20o3%(13.I:\$.'A;)'
BETWEEN: V' ' :

1 H s PRAKASH '
3/0 H NASRINIAVAS

AGE 59 %

Vim 339'0;1a}3V, I--..1_3'L\$30R.,._H_
CHESS, EIENEAIN, R P C LAYOUT
%HAMP;NAi3.ART, BANGALORE 560040

... PETITIONER.

(13.3; &_.RAVI, ADV.)

"

* fiAi~:ig';é;LQRE DEVELOPMENT AUTHORFFY

T'CH{)WDAIAH ROAD
~. MJMARA PARK WEST, BANGALORE 20
REP BY ITS COMMISSIONER

. . . RESPONDENT.

~~ (By Sri K KRISHNA, ADV.) THIS WP FILES) UNDER ARTICLES 226 OF THE
CONSTITUTIGN, PRAYING TO DIRECT THE RESPONDENT TO ALLOT AN ALTERNATIVE'
SITE TO THE PEETFIONER IN LIEU o13\$..QL_D ggr;~;g;1&%ii'1y;c5;'45A.V%"" A SY.NC).41/1
AND 42/6 OF :THE"THEN*V.YEVDIY'L3R" VILLAGE, U'I"I'ARAHALLI "gt-ioiyam,
'=B'1QAGLmREi SOUTHY TALUK ACQUIRED' BY T;~«IE RES--PONDE'N'i"S MEASURING 5o X
6o .I_N~.._ BANA_SHAI's¥_D*.._ 2ND'- STAGE/JAYANAGAR/J.P.NAGA_R OR ?>IE\$AR BY
AREA AT THE OLD ALLoTMEN'r%z2ATE"--».QIr Rs.16..v'PER SQ YARD BY ALLOWIN_G"«.
THIS. A PETYFION AND IMPOSE EXEMPLARY <;;Qs'r- .3912 THE MENTAL AGONY AND
CORRESPONDENCE 'FOR THE;PAST' 4o YEARS. THIS 13:3-1%;é.i:)N*ccat»:i'ING:ONxmR
ORDERS mxs DAY, THE f3:{*:I}Rfif 1?QI,LOWING: D I:'\$vg=:1":¢.'_ is listed for orders, with
consent, it "is t'ak e';T1 '1"c5n1V" □ha} disposal.

2. 3 Tim petitioner claims that he is the absolute owner bearing site No. 45 in Sy. Nos. 41/1 and A LE4 village ad measuring 50'x60'. The claim V --V of "ihfc""v V;.)ét:stioner is that he purchased the same to a registered sale: deed dated 14.10.1964. " it to say that the said land is acquired by the " respondents for the purpose of formation of Banashankari Layout. The petitioner in the 1st %/ instance filed writ petition in W.P. Nos. 606 and of 1965. The said writ petitions were 27.7.1967 on the basis of the memo filed by the Advocate for the consequence of resolution D V ~ ilaveii ' F. L on 7.7.1967 the petitioner On V' the basis of the . _ 'iitiion was resolution passed by the ifesondents have issued a comm_2u11ieés.-tio'i";VV'v-_a copy of which is produced at " _Aniexzga.'e--~\$ dafed'***i4.7.1976 allotting a site in favour of __t;i;e " £111 lieu of the revenue site which was eCqi:ired.'fiy'; them. Indeed a perusal of the said V'-».co1n1iL;i"iicau'on would disclose that the petitioner was V."V'.aesiii'ed that he would be allotted a site as the old V' .-/Ay;

__,_a;iloznt rate. The grievance is that nothing «ales been 'V done so far. Hence, this writ: petition.

3. Learned counsel appearng... for " n V' submits that pursuant to the petitioner has also filed an he " L' or his wife or any of his dependents"ehil(n'e11~ete;§de not have any site or house' Metropolitan area. he submits that noimg"hté;sV is '

4. counsel was directed to take notice' }r1s;s_ »'entersd appearance. : jaiatter is taken up, Mr. Krishna has ins€Ee'VVavailsi§j.eV: the resolution passed by the respondent "i:1_iiiieating that the petitioner would be provided v}_it11_s;1 alternate site.

Indeed the question would be What is the price to be paid by the petitioner in respect of alternate site. Indeed the respondents have bound themselves by the communication at Annexure--E ghat they' a11o€;_ ax site at the old allotment rates.

7. Having regard fto orée is
passed: V A H

Writ «:..si;%;§s.g)ondents shail ailot an ifassoiuon within six weeks" s3l§5m'1i;nt shall be at the old a11ot:sii:z%:I"1:t:_ by the respondents at AEn€'xu£e;4E.V.ss . _ ' Evie is issi1's€;'a1"1d made absolute. Sdli judgé