

(2017) 06 KAR CK 0062
In the Karnataka High Court
Case No : 2823 TO 2824 of 2014 (LA-BDA)

BANGALORE DEVELOPMENT AUTHORITY, & ANR.	APPELLANT
Vs	
MR.PAUL FRANCIS S/O BOBBY PINTO, & ORS.	RESPONDENT

Date of Decision : 08-06-2017

Acts Referred:

Citation : (2017) 06 KAR CK 0062

Hon'ble Judges : Subhro Kamal Mukherjee, P.S.Dinesh Kumar

Bench : DIVISION BENCH

Advocate : C.R.GOPALASWAMY, D.N.NANJUNDA REDDY, A.V.NISHANTH,
G.GIRISH, M.O.GURUBASAPPA, VIVEK HOLLA

Final Decision : Dismissed

Judgement

1. These are appeals against the judgment and order dated April 3, 2014, passed by the Hon"ble Single Judge in a batch of writ petitions holding that as the physical possession of the land remained with the writ petitioners, the acquisition stood lapsed.
2. Insofar as the land of the writ petitioners, the property was sought to be acquired for formation of the Jayaprakash Narayan Nagar 8th Stage Layout and the final notification was published on October 19, 1994.
3. The Hon"ble Single Judge found that the possession was with the writ petitioners and the documents produced by the Bengaluru Development Authority in support of their claim that the possession was taken, could not be accepted inasmuch as there was no date in the said document, blanks were filled in by the Revenue Inspector and there was no indication that the writ petitioners were notified.
4. Having regard to such finding of fact, we are of the opinion that the Bengaluru Development Authority failed to establish that the possession of the property was taken by them. We do not, therefore, find any error in the order declaring the acquisition proceedings stood lapsed insofar as it relates to the land of the writ

petitioners.

5. The writ appeals stand dismissed.

6. In view of the dismissal of the writ appeals, the pending interlocutory application does not survive for consideration and is, accordingly, dismissed.

7. There will be no order as to costs.