
(2025) 05 SC CK 0271

In the Supreme Court Of India

Case No : Contempt Petition (C) No(S). 188-189 Of 2013 In Civil Appeal No(S). 3309-3310 Of 1997 With Contempt Petition (C) No(S). 237 Of 2014, 688 Of 2021, 578 Of 2022, 716 Of 2023, 555, 556, 585 Of 2024, 103, 104, 129 Of 2025 In Civil Appeal No(S). 3305, 3306, 3307, 3309-3310 Of 1997 With Miscellaneous Application (C) No(S). 135 Of 2025

Chaduranga Kantharaj Urs

APPELLANT

Vs

S.V. Ranganath And Ors

RESPONDENT

Date of Decision : 22-05-2025

Acts Referred:

Citation : (2025) 05 SC CK 0271

Hon'ble Judges : M.M. Sundresh, J;Aravind Kumar, J

Bench : Division Bench

Advocate : Gopal Sankarnarayanan, Suhrith Parthasarathy, Rashmi Nandakumar, Vishal Singhal, Amritha Sathyajith, Yashmita Pandey, S. S. Shroff, Abhay Kumar, T. Harish Kumar, Lalita Kaushik, Bina Madhavan, Balaji Verma, Tushar Singh, M/S. Lawyer S Knit & Co, Kanchan Kaur Dhodi, Rajat Sehgal, C.V. Bala Syamal, T.L.V. Raamyam, Hitesh Kumar Sharma, Amit Kumar Chawla, Akhileshwar Jha, Javed Raza, Prashant , Anindita Mitra, Pratap Shanker, Puja Tiwari, Shilpi Shrivastava, Ankit Kumar, Swetank Shantanu, Pai Amit, Pramod Dayal, V. N. R, Ankur S. Kulkarni, Pramod Dayal

Final Decision : Disposed Of

Judgement

Aravind Kumar, J.

1. The above contempt petitions had been filed for alleged wilful disobedience of the orders dated 21.11.2014; 17.05.2022 and 19.03.2024. By judgment dated 10.12.2024, this Court after taking note of the purported compliance affidavits dated 09.7.2024, whereunder the DRC's /TDR's for the subject land had been resolved to be issued by adopting the value as determined under the BPAT Act had rejected the same and had issued clear directions to re-issue the DRC's/ TDR's, and for having dragged it's feet for long number of years i.e., more than

10 years, the contemnors were held guilty of wilful non-compliance and mulcted the contemnors with costs, by assigning elaborate reasons. Yet, undaunted, the contemnors seem to be further dragging their feet by manoeuvres and same is deprecated. We say so, for the simple reason that contemnors under the umbrella of the legislation orders of the Court which ought to be implemented in letter and spirit is sought to be stifled or staved off which cannot be countenanced at any rate.

2. Having made all these attempts and having deposited the DRC's/ TDR's before this Court in the names of the respective complainants (contempt petitioners) except that of the DRC's/ TDR's in an incorrect name in so far as CP. 103 of 2025 is concerned, further I.A. No. 120858 of 2025 has been filed by the Under Secretary, DPAR, Government of Karnataka (not being a party to be present proceedings) raising fresh grounds and praying for not releasing the DRC's/ TDR's in favour of the complainants till disposal of the Civil Appeals pending before this Court, and also on the ground that review petitions have been filed for review of the orders dated 21.11.2014, 17.05.2022 and 10.12.2024 amongst other grounds.

3. It would not be out of context to note at this juncture itself that contentions raised in the purported compliance affidavits are outside the purview of scrutiny or examination in these proceedings, for the reasons to follow hereinafter.

4. This Court by order dated 10.12.2024 took note of the rival contentions raised and held that the directions issued and/or the orders dated 21.11.2014 and 17.05.2022 passed by this court had not been complied with and contemnors had wilfully disobeyed them. However, the contemnors were extended olive branch to purge in the contempt and as such were called upon to file compliance report within six (6) weeks keeping in mind the observations made therein and it was made clear, failure to comply, the Commissioner, BBMP and the Competent Authority for issuance of Transferable Development Rights ("TDR") should appear in person before this Court, so as to enable this Court to pass further orders. The contemnors were also mulcted with costs and were directed to pay a sum of Rs.1,00,000/- to each of the complainants (i.e., contempt petitioners) towards cost of the contempt proceedings. However, CP No. 578 of 2022, came to be dismissed by granting liberty to the complainant to pursue their grievance before the competent authority for issuance of DRC's/ TDR's on resolution of the inter-se dispute and also holding that successful party to said dispute would be entitled to receive DRC's/ TDR's as already ordered by this Court.

5. Learned Advocates appearing for both the parties in CP No.578 of 2022 and other connected matters asserted their respective contentions raised in their pleadings. Having regard to the order passed by this court on 10.12.2024, we notice that CP No.578 of 2022 has already been disposed of vide order of even date, and hence, no further order requires to be passed in the said Petition.

6. Pursuant to the aforesaid order dated 10.12.2024, the affidavit of Mr. Jairam,

Commissioner, Bangalore Development Authority ("BDA") dated 12.02.2025 came to be filed enclosing therewith the TDR's / DRC's which was cancelled and subsequently a new provisional acceptance order came to be issued on 01.02.2025 in the name of successor in interest of Sri Jaya Chamarajendra Wadeyar. The affidavit of Mr. Tushar Girinath, Commissioner, BBMP was also filed and it was to the same effect. When the matter was listed on 13.02.2025 this Court ordered the physical presence of the contemnors on the next date of hearing and after hearing learned senior counsels appearing for the parties the following order came to be passed:

"List all the matter on 27.02.2025 at 2.00 P.M.

The physical presence of the alleged contemnors is required. Therefore, they are directed to be physically present before this Court on the next date of hearing."

7. It was noted that, DRC's / TDR's in respect of all the complainants (i.e., contempt petitioners) had not been filed.

8. Subsequently the matter came to be listed on 20.03.2025 and this Court recorded the submission made by the learned Senior Counsel appearing for the contemnors which was to the effect that the DRC's / TDR's would be issued in the individual names of those persons from whom the land had been acquired/ possession is taken. The said submission came to be recorded and the matter stood over to 24.04.2025.

9. In the meanwhile, I.A. No.102681/ 2025 which came to be filed by the State was for the following prayers:

i. Direct that the deposit of the TDR Certificates/Original DRCs by the Bangalore Development Authority is in compliance with the judgment dated 10.12.2024 and order dated 20.03.2025 of this Hon'ble Court; and,

ii. Direct that till the disposal of the aforementioned Civil Appeal, the TDRs/DRCs deposited before this Hon'ble Court not be handed over to the claimants; and,

iii. Pass any such further order or other order(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case and for the ends of justice."

10. Objection to the said application has been filed and learned advocates appearing for both parties have been heard. After considering the rival contentions we are of the considered view that it would not detain us for too long to reject the aforesaid application in limine for the reasons indicated hereinafter. At the outset, it requires to be noted, this Court is examining the issue relating to the compliance of the order of this Court dated 10.12.2024 which came to be passed in these contempt petitions and within the limited sphere it has to be examined, as to whether the orders dated 21.11.2014 and 17.05.2022 have been complied or not. Scrutiny or examination of any other issue would only be alien to these proceedings. In the present proceedings this Court vide order

dated 10.12.2024 has discussed in detail as to how the orders passed by this Court have been strategically and wilfully disobeyed by the contemnors and has arrived at a definite conclusion that there has been total non-compliance of the orders dated 21.11.2014 and 17.05.2022 and that too wilfully. Any amount of further elaboration on this aspect would only be burdensome on this order.

11. At the cost of repetition we notice that, in order to extend an olive branch to the contemnors and to allow them to purge in the contempt a final opportunity was granted and accordingly time of six (6) weeks came to be granted from the date of order (10.12.2024) to comply with the orders dated 21.11.2014 and 17.05.2022. We have already noted the subsequent events that have taken place in the instant case. Be that as it may, the State and its officials having used all its might to stifle the orders dated 21.11.2014 and 17.05.2022, passed by this Court and having made a show of having complied with the order by depositing the incorrect and improper DRC's / TDR's, which was not in due compliance of orders of this Court and this Court not being in agreement with the submissions made by the learned senior counsel, on 20.03.2025 on behalf of contemnors, had recorded the submission made on behalf of the contemnors which was to the following effect:

"The submission made by the learned senior counsel appearing for the alleged contemnors that the TDR would be issued in the individual names of those from whom the land has been acquired/possession is taken stands recorded.

The presence of the alleged contemnors is dispensed with for now.

List the matters on 24.04.2025 at 2.00 P.M."

In deference to the said undertaking given to this Court contemnors have now filed or deposited in the Registry the DRC's / TDR's issued in the individual names of those, from whom the land had been acquired/possession was taken.

12. Shri Kapil Sibal, learned Senior Counsel appearing for the contemnors by reiterating the stand earlier taken by the State, has contended that complainant (i.e., contempt petitioners) would not be eligible or entitled to receive the DRC's/ TDR's; and by way of alternate submission he has contended that in the event of this Court were to arrive at a conclusion that complainants are eligible and/or entitled to receive the DRC's / TDR's which has been deposited in the registry the complainants should not be permitted to withdraw the same till disposal of Civil Appeals as well as review petitions. However, we are unable to accept the said contention for the simple reason and by noting at the cost of repetition, this court is sitting in a limited jurisdiction viz., to examine as to whether order passed by this Court on 10.12.2024 has been complied or not and we would not act as an appellate court and re-examine the correctness or otherwise of the orders passed by this Court. Those aspects would be outside the scope of these proceedings and submission to the contrary cannot be entertained. It is the apprehension of Mr. Kapil Sibal that in the event of complainants not succeeding in the civil appeals the exchequer (State) would not be in a position to recover

the value of DRC's/ TDR's from the complainants, as the issue relating to the acquisition of the larger extent of land measuring 472 acres under the enactment i.e., Bangalore Palace (Acquisition and Transfer) Act, 1996. ("BPAT Act"), is at large, is not a genuine apprehension and same cannot be imported to the orders which have been wilfully disobeyed by contemnors, and conditions if any now imposed, for the issuance of TDR's, we are of the view that it would amount to tweaking the orders dated 21.11.2014, 17.05.2022 and 10.12.2024. The same ought to have been included in the Orders dated 21.11.2014 and 17.05.2022 if at all, if any and said conditions cannot be now incorporated by this Court in these proceedings, that too after having held the contemnors of having wilfully disobeyed the orders of this Court.

13. We notice at the cost of repetition that any further condition if being imposed in these proceedings it would amount to tinkering or altering or reviewing or modifying the orders dated 21.11.2014 and 17.05.2022. The pleadings in these proceedings would disclose that subsequent to the order of this Court dated 10.12.2024, notice came to be issued by the Deputy Commissioner, BBMP on 31.12.2024 and 15.01.2025, whereunder the complainants were called upon to submit an undertaking in the format which was enclosed to the said notice dated 15.01.2025. Complainants have furnished the undertakings as per the format (Refer Additional Affidavit dated 16.02.2025 of Mr. M.L. Varchusvin S.S. Raje Urs. in MA 135/25.-vide Annexure A-4, Para 6 page 3 and 4). Hence, we are of the view that DRC's /TDR's issued if transacted by the contemnors would be without prejudice to the rights of both parties and statutory embargos if any will have no bearing on the DRC's/ TDR's so released. Even otherwise, to allay the apprehension of the State it would suffice to direct the complainants to file an undertaking before this Court by way of an affidavit in these proceedings to the effect that receipt of DRC's / TDR's would be subject to outcome of pending civil appeals, and it is also made clear that in the event of contemnors not succeeding in the pending civil appeals and any compensation being awarded in those proceedings, if any, in favour of the complainants, the State shall have the first charge or claim over such compensation so determined or awarded that may be payable by the State to the complainants. Thus, apprehension of Mr. Kapil Sibal, learned Senior Counsel appearing for contemnors stands allayed. In that view of the matter the note made under the TDR's / DRC's would be of no consequence or it would be irrelevant.

14. The TDR's / DRC's deposited in the name of "Shrimati Indrakashi Tripurawasni" in CP No. 103 of 2025 (Item No.304.10 in the cause list dated 01.05.2025) is ordered to be rectified as "Shrimati Indrakshi Devi" only and same be deposited in this Court within four (4) weeks from today. The TDR's / DRC's already deposited by the State is ordered to be handed over to the respective complainants or their authorized representative by the Registry forthwith on such affidavits of undertaking as ordered hereinabove being filed. With these observations the contempt petitions stand disposed of and all pending applications stand consigned to records. The cost which has also been deposited

shall be paid to the respective complainants as ordered on 10.12.2024. With these observations/ directions these contempt petitions stand disposed of.

15. The contempt petitions No.103; 104 and 129/2025 also stands disposed of in view of aforestated order.