

**(2000) 03 KAR CK 0106**

**In the Karnataka High Court**

**Case No : Writ Petition No"s. 34849 to 34852 of 1995**

K.S. Bhagavan And Others

APPELLANT

Vs

The Housing Commissioner, Karnataka Housing Board,  
Bangalore And Another

RESPONDENT

**Date of Decision : 21-03-2000**

**Acts Referred:**

Housing Board Allotment Regulations — Regulation 11, 12

**Citation : (2000) 4 KarLJ 346 : (2000) 2 KCCR 39 SN**

**Hon'ble Judges : V. Gopala Gowda, J**

**Bench : Single Bench**

**Advocate : Sri V.F. Kumbar, for the Appellant; Sri R.S. Hegde, for the Respondent**

## **Judgement**

1. The petitioners were all allottees of houses constructed by the first respondent-Karnataka Housing Board. The allotments were made at provisional cost and Clause 7 of the allotment letters provided that the allottee shall accept any alteration in the value of the house, which will be intimated later. The petitioners have accepted the terms of allotment and have fulfilled all the formalities. The period of lease-cum-sale agreement also was over. Before executing the absolute sale deeds in favour of the petitioners, the Board issued the impugned demand notices at Annexures-H, J, K and L calling upon them pay the difference in the cost of the houses. Aggrieved by the same the petitioners have filed these writ petitions seeking to quash those demand notices and to direct the respondents to execute absolute sale deeds in their favour. The grievance of the petitioners is that they have paid the entire amount of the respective houses and since the period of lease was over, they are entitled to obtain absolute sale deeds and the impugned demands are illegal, arbitrary and against Regulations 11 and 12 of the Housing Board Allotment Regulations.

2. A detailed statement of objections is filed on behalf of the respondents narrating the factual position, the situation that warranted for escalating the cost of the houses and justifying the impugned demands.

3. Admittedly the price of the houses allotted in favour of the petitioners was provisional and the petitioners have agreed to pay the revised cost of the houses based on the actual cost of construction. The actual cost has been worked out by the Board and the calculation sheets have been produced before this Court. I am satisfied that the impugned demands based on such actual calculations are legal, valid, reasonable and justified. Therefore, the petitioners are not entitled to the reliefs sought for in these writ petitions and the writ petitions are liable to be dismissed.

4. Even otherwise also, as per the decision of this Court in the case of K.S. Panchapakesan and Others Vs. State of Karnataka and Another, , these writ petitions, in which upward revision of price of houses is challenged, are not maintainable and the same are liable to be dismissed.

5. Before dismissing these writ petitions, it has to be observed that under the Circular at Annexure-R6, dated 12-12-1985 the Housing Commissioner has authorised the FACAO to determine the final cost of houses and based on the cost determined by the FACAO the impugned demand notices had been issued. Such a Circular could be issued by the Board only after passing a resolution authorising either FACAO or any other officer to make the determination of actual cost of the houses. The Board shall make a note of this and shall strictly follow the same in future.

6. The writ petitions are dismissed subject to the above observation.