
(2009) 12 KAR CK 0004
In the Karnataka High Court
Case No : Writ Petition No. 29895 of 2009

Mohan Kumar Kondajji

APPELLANT

Vs

State of Karnataka and Others

RESPONDENT

Date of Decision : 08-12-2009

Acts Referred:

Citation : (2010) 3 KarLJ 107

Hon'ble Judges : Mohan Shantanagoudar, J

Bench : Single Bench

Advocate : C. Gowrishankar and Girijashankar, for the Appellant; M. Keshava Reddy, Government Advocate for Respondents 1 and 2 and K. Krishna, for Respondent 3, for the Respondent

Judgement

Mohan Shantanagoudar, J.—The petitioner has sought for a direction to respondent 3-authority to grant site measuring 40" x 60" under G category. The records disclose that the State Government has approved the request of the petitioner for allotment of site measuring 40" x 60" under G category. The same is clear from Annexure-B to the writ petition. The very document reveals that a direction was issued to respondent 3-authority to allot site bearing No. 2613 situated in HSR Sector-I Layout, measuring 40" x 40", in favour of a petitioner. But, the said site is allotted to one Sri G. Srinath as far back as in the year 2001. In view of the same, the site bearing No. 2613, situated at HSR Sector-I Layout Extension is not available for allotment.

Be that as it may, the petitioner ought to have been allotted an alternative site of equal dimension in any other layout. However, respondents has not chosen to allot any site in favour of the petitioner. No reasons are forthcoming for not allotting the site in favour of the petitioner inspite of the approval by the State Government.

2. Under similar circumstances, this Court in W.P. No. 11997 of 2006, disposed of on 22-9-2006 directed the BDA to implement the order of the State Government for allotment of site in G category. The order of this Court in W.P. No. 11997 of

2006, is confirmed by the Division Bench in W.A. No. 2066 of 2006 on 12-9-2007. In view of the same, the following order is made:

Respondent 3-BDA is directed to allot a site, measuring 40" x 60" in favour of the petitioner under G category, at Bangalore, subject to the conditions stipulated in the circular dated 6-8-1997 issued by the State Government vide Annexure-K to the writ petition, as expeditiously as possible, but not later than the outer limit of four months from the date of receipt of this order.

Writ petition is disposed of accordingly.