

(2013) 03 KAR CK 0038

In the Karnataka High Court

Case No : Writ Petition No. 100857 of 2013 (LB-RES)

Neelamma

APPELLANT

Vs

Karnataka Housing Board and Another

RESPONDENT

Date of Decision : 20-03-2013

Acts Referred:

Citation : (2013) 3 KarLJ 625

Hon'ble Judges : D.V. Shylendra Kumar, J

Bench : Single Bench

Advocate : N. Krishnacharya and Sri K. Ramachandra, for the Appellant;

Final Decision : Dismissed

Judgement

D.V. Shylendra Kumar, J.—Writ petitioner claims to have made an application for allotment of vacant site in Akkamahadevi Colony (Biddapur) of Gulbarga city as per her application dated 3-2-2012 (copy at Annexure-A). Though repeated representations were given thereafter, site is not allotted in her favour, but the respondent-Karnataka Housing Board is taking steps to auction the available vacant sites through public auction. Writ petitioner is aggrieved that instead of allotting the sites, the first respondent-Housing Board is now trying to distribute the sites by public auction in which event petitioner will not be able to compete because of her economic condition etc.

2. Petitioner's application is only dated 3-2-2012. It is not the case of the petitioner that after this date any sites have been allotted to the applicants who have filed applications thereafter. If the Housing Board has a policy matter and as a general measure decides to auction available vacant sites by public auction, no exception can be taken and petitioner does not get a right to say that the allotment must be done in a particular manner and auction can be done only after allotting a site to her etc.

3. It is open to the petitioner to pursue her efforts with the Board and can also seek priority under any special category if she has special claim under any

particular category, but a writ of mandamus cannot be issued at this stage as the application is not in response to any paper publication or invitation made by the respondent-Board, but an application voluntarily filed by the petitioner on her own. Writ petition is dismissed without prejudice to the rights and remedies open to the petitioner elsewhere in accordance with law.