
(2011) 01 KAR CK 0246

In the Karnataka High Court

Case No : Writ Petition No's. 39291-507 of 2010 (GM-RES)

Niranjan M. and Others

APPELLANT

Vs

The State of Karnataka

RESPONDENT

Date of Decision : 05-01-2011

Acts Referred:

Citation : (2011) 01 KAR CK 0246

Hon'ble Judges : B.S. Patil, J

Bench : Single Bench

Advocate : Siddharth B Muchandi, for the Appellant; R. Devadas, AGA, for the Respondent

Judgement

B.S. Patil

1. In these writ petitions, petitioners are aggrieved by the Government. Order dated 17.05.2010 produced at Annexure-M. whereby the State Government has, in modification of its earlier order dated 08.07.2005 accorded sanction to grant to such of the Police Officers and other staff, eligible or allotment of site measuring 30" X 40" or 40" X 60 a3. the case may be, the amount at the rate of Rs. 210/- per sq.ft. It is relevant to notice here that the State Government, had earlier taken a decision on 08.07.2005 to grant sites to each of the Police Officers and staff, who were the members of the special task force assigned with the task of apprehending the Forest brigand Veerappan. The said decision was taken taking note of the special task that they were entrusted to and the hazards involved therein. However, on account of certain difficulties faced by the State Government in not locating the sites for allotment in favour of "ail the personnel and though some of the police personnel were earlier granted certain sites, in respect of others to whom the sites could not he allotted, the State Government has come up with the impugned order modifying the previous order ordering that money equivalent of the site at the rate specified therein shall be granted to the them.

2. It is submitted at the Bar that in similar matters in Writ Petition Nos. 18063-18072/2010 and connected. "matters disposed of on 19.11.2010, the challenge made to the Government Order was rejected with a direction that sites as per the eligibility of the petitioner therein shall be allotted within two months, if the sites were available and if, however, the sites were not available, the State Government was directed to comply with the Government Order and the Corrigendum issued on 26.10.2010 clarifying that the sital value (allotment price) of BDA was Rs. 210/- per sq. mtr. as early as possible, but not later than three months from the date of the order. If the sital value is not paid within three months, the Government was directed "to pay interest at the rate of 12% p.a. or the amount of sital value fixed by the BDA, which would be existing as on the date payment was to be made, whichever was higher. Certain other directions were also issued in the said order in sub-para (i) to (xi) which reads as under:

i) The -prayer relating to quashing of Annexure-J, dated 17.5.2010, is rejected. The order at Annexure-j is held to be valid.

ii) However, sites as per their eligibility shall be allotted to the petitioners, within two months, if available as of now.

iii) If sites are not available as of now, respondents 1 and 2 are directed to comply with the order at Annexure-J, and the Corrigendum, dated 26.10.2010, issued by the State Government clarifying that the sital value (allotment price) of BDA is Rs. 2,100/- per sq.mtr, as early as possible, but not later than the outer limit of three months from the date of this order. It is made clear that if the sital value (allotment price) is not paid within three months, but is paid later, then, the State Government is directed to pay interest at the rate of 12% per annum, or the amount of sital value fixed by BDA, which would be existing as on the date of making payment, whichever is higher.

iv) If sites are not, allotted to any of the petitioners now, the petitioners and other similarly placed STF personnel are entitled to preferential allotment of sites in their respective Districts as and when the sites are formed and notified for allotment" either by concerned Urban Development Authority/BDA or by the Housing Board.

v) In case if the sites are allotted to the petitioners and other Similarly situated STF personnel as mentioned in order (iv) above, the sital value (allotment price) should be paid by the petitioners.

vi) In case if the petitioners do not accept the sital value pursuant to the impugned order at Annexure-J/Corrigendum (as arrived at in order-iii), the petitioners are liable to pay the difference of amount of sital value (allotment price), if any, as on the date of such allotment. It is also made clear that in case if the sital value as fixed by the Allotting Authority is less than the amount to which the STF personnel are entitled to pursuant to the order at Annexure-J/ Corrigendum (as arrived at in order-iii), the difference of amount should be paid to the petitioners by the State Government.

In order to maintain Consistency and as all these petitioners are similarly placed and as this Court has already issued a comprehensive directions against the respondent - State Government taking note or the interest. of similarly placed police personnel and the staff engaged in the special task force, I find it just and appropriate in pass similar orders keeping in mind the interest of the petitioners as well. Hence, these writ petitions are disposed of in terms of the order dated 19.11.2010 passed in.. W.P. Nos. 18063-18072/2010 and connected cases.