

(2010) 12 KAR CK 0100

In the Karnataka High Court

Case No : Writ Petition No's. 40773-40776 of 2010

Ramadas Gowda, M. Jeevan Prakash, B. Arun Kulal and
Vasudev N. Naika

APPELLANT

Vs

The State of Karnataka

RESPONDENT

Date of Decision : 16-12-2010

Acts Referred:

Citation : (2010) 12 KAR CK 0100

Hon'ble Judges : Mohan Shantanagoudar, J

Bench : Single Bench

Advocate : Kavitha H.C. and Prakash H.C, for the Appellant; Sangamesh G. Patil, AGA, for the Respondent

Judgement

Mohan Shantanagoudar, J.—The question involved in these writ petitions are squarely covered by the decision of this Court passed in WP. Nos. 18063-18072/2010 and connected matters, disposed of on 21.7.2010

2. Thus, these writ petitions are liable to be disposed of in terms of the aforementioned judgment. Accordingly, the following order is made:

i) The prayer relating to quashing of Annexure-G, dated 17.5.2010, is rejected. The order at Annexure-G 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 2 and 3 are directed to comply with the order at Annexure-G, 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-G/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-G/Corrigendum (as arrived at in order-iii), the difference of amount should be paid to the Petitioners by the State Government.

3. Writ petitions are disposed of in the aforementioned terms.