
(2011) 02 KAR CK 0087
In the Karnataka High Court
Case No : Writ Petition No. 11740 of 2010

Reliable Tranquil Lay-out Site Owners Welfare Association	APPELLANT
Vs	
The Bangalore Developmet Authority and Rehable Developers	RESPONDENT

Date of Decision : 04-02-2011

Acts Referred:

Citation : (2011) 02 KAR CK 0087

Hon'ble Judges : J.S. Khehar, C.J.;A.S. Bopanna, J

Bench : Division Bench

Advocate : Chandrashekar, for Law Park Associates, for the Appellant; H. Venkatesha Dodderi, for R. 1 and N.S. Sanjay Gowda, R. 2, for the Respondent

Judgement

J.S. Khehar, C.J.—Learned Counsel for Respondent No. 2 states, that Respondent No. 2 has purchased a rectangular piece of land, equivalent in area to the land earlier ear-marked as open space for providing civil amenities, as also, for use as park and playground, etc. Having purchased the aforesaid land, Respondent No. 2 claims to have submitted an application for revision of the original approved plan, so as to substitute the earlier land ear marked for civil amenities, park and playground etc. with the land now purchased by Respondent No. 2. It is submitted, that the request made by Respondent No. 2 is pending consideration at the hands of competent authority.

2. Having heard the learned Counsel for Respondent No. 2, we are satisfied, that the instant writ petition at the present juncture deserves to be disposed of, in terms of the earlier order passed by this Court on 26.08.2010, as there is no change in the circumstance as they presently exist from the circumstances which prevailed when the instant writ petition was disposed of on the earlier occasion. Ordered accordingly.

3. Despite the aforesaid, it is clarified, that it will be open to the competent authority to consider the claim raised by Respondent No. 2, for substitution of the original open space ear-marked for civil amenities, park and playground etc.,

with the land now purchased by him, and that, in case the same is proportionate to the area required to be left as open space, irrespective of the decision rendered by this Court and without prejudice thereto, the claim of Respondent No. 2 be considered in accordance with the norms and the policy of Respondent No. 1. An affidavit dated 04.02.2011 to the instant effect, namely, that the issue raised in the application filed by Respondent No. 2 is pending consideration at the hands of Respondent No. 1, has been filed in Court. The aforesaid affidavit along with its enclosures is taken on record, subject to all just exceptions.

Disposed of in the aforesaid terms. In view of the disposal of the main writ petition, Misc. W application does not survive for consideration and the same is accordingly disposed of.