

(2023) 03 KAR CK 0017

In the Karnataka High Court

Case No : Writ Petition No. 3908 Of 2022 (BDA)

Shabhana Banu

APPELLANT

Vs

State Of Karnataka & Others

RESPONDENT

Date of Decision : 07-03-2023

Acts Referred:

Bangalore Development Authority (Allotment Of Sites) Rules, 1984 — Rule 5

Citation : (2023) 03 KAR CK 0017

Hon'ble Judges : Krishna S.Dixit, J

Bench : Single Bench

Advocate : H L Pradeep Kumar, R Srinivasa Gowda

Final Decision : Disposed Of

Judgement

Krishna S Dixit, J

1. Petitioner is grieving against the non-consideration of his representations dated 28.9.2018, 28.12.2018 & 16.11.2021, as per Annexures-C, D & E respectively wherein he has sought for allotment of stray site in terms of Rule 5 of the Bangalore Development Authority (Allotment of Sites) Rules, 1984. Learned counsel for the Petitioner heavily banks upon certain Circulars issued by the BDA providing for favourable consideration of such claims.

2. Learned AGA appears for the 1st Respondent and learned Senior Panel Counsel appears for the 2nd Respondent-BDA; both they oppose the Petition contending that grant of site is not a matter of right or course and therefore, unless the right as such is demonstrated, no writ lies. Having so contended, learned Senior Panel Counsel appearing for the BDA agrees to instruct his client to look into the grievance of the Petitioner as aired in the subject representations, in accordance with law and in a time bound way provided that all contentions are kept open. This is appreciable.

In view of the above, Writ Petition is disposed off. The assurance given by learned Senior Panel Counsel on behalf of BDA shall be discharged within a

period of three weeks.

It is open to Respondent - BDA to solicit any information/documents from the side of the Petitioner for due consideration of his Representations. However, in the guise of such solicitation, no delay shall be brooked.

Now, no costs.