

(2012) 04 KAR CK 0003

In the Karnataka High Court

Case No : Writ Petition No"s. 13240-13245 of 2012 (LA-BDA)

Smt. Chikka Muniyamma and Others

APPELLANT

Vs

The State of Karnataka, Bangalore Development Authority
and The Special Land Acquisition Officer, Bangalore
Development Authority

RESPONDENT

Date of Decision : 20-04-2012

Acts Referred:

Citation : (2012) 04 KAR CK 0003

Hon'ble Judges : Mohan Shantanagoudar, J

Bench : Single Bench

Advocate : S.K. Acharya, for the Appellant; K. Krishna, AGA, for R1 and Sri:
Chandrashekar Babu, for R2 and R3, for the Respondent

Judgement

Mohan Shantanagoudar

1. Learned Addl. Government Advocate Sri. K. Krishna, is directed to take notice for respondent No. 1. Sri Chandrashekar Babu, learned counsel is directed to take notice for respondent Nos. 2 and 3.

The petitioners have sought for a direction to the respondents to consider the representations vide Annexures-C and D dated 26.12.2005 and 17.1.2012 respectively, keeping in mind the conclusion reached by the Apex Court as well as Division Bench of this Court in the case of Bondu Ramaswamy Vs. Bangalore Development Authority and Others, and W.A. No. 2426/2005 and connected matters (THE COMMISSIONER, BDA AND OTHERS Vs. STATE OF KARNATAKA BY ITS SECRETARY & OTHERS) reported in ILR 2006 KAR 318. According to the petitioners, their lands bearing Sy. Nos. 105/5 and 105/6 measuring 26 guntas and 23 guntas respectively situated at Jakkur village, Yelahanka Hobli, Bangalore North Taluk are acquired for the purpose of formation of Arkavathy layout, Certain of the land losers approached this Court questioning the acquisition notifications. Acquisitions were upheld by this Court by the decision in W.A. No. 2426/2005 reported in The Commissioner, Bangalore Development Authority and

Another Vs. State of Karnataka and Another, The matter was taken to Supreme Court in C.A. No. 4097/2010 and connected matters, which came to be dismissed on 5.5.2010 with certain observations, Said judgment dated 5.5.2010 is reported in Bondu Ramaswamy Vs. Bangalore Development Authority and Others, While confirming the acquisition notifications, certain directions/ observations were made by the Supreme Court in addition to the observations made by the Division Bench of this Court. Therefore, such directions made by the Apex Court and this Court have to be followed by the respondents. According to the petitioners, they are also covered by such directions of the Apex Court and the Division Bench and therefore representations need to be considered.

2. The question as to whether the petitioners are entitled to the benefit of directions issued by the Apex Court as well as Division Bench of this Court in the case of Bondu Ramaswamy Vs. Bangalore Development Authority and Others, and W.A. No. 2426/2005 and connected matters The Commissioner, Bangalore Development Authority and Another Vs. State of Karnataka and Another, or not, is to be decided by the respondents based on the fact situation. Therefore, this Court does not wish to comment anything on merits of the matter. Suffice it to direct the respondents at this stage to consider the representations filed by the petitioners vide Annexures-C and D dated 26.12.2005 and 17.1.2012 on merits and in accordance with law, keeping in mind the observations made by the Apex Court in the case of BONDU RAMASWAMY AND OTHERS Vs BANGALORE DEVELOPMENT AUTHORITY AND OTHERS reported in Bondu Ramaswamy Vs. Bangalore Development Authority and Others, and W.A. No. 2426/2005 and connected matters (THE COMMISSIONER, BDA AND OTHERS Vs. STATE OF KARNATAKA BY ITS SECRETARY & OTHERS) reported in The Commissioner, Bangalore Development Authority and Another Vs. State of Karnataka and Another, as early as possible.

Accordingly, writ petitions are disposed of.