

(2011) 12 KAR CK 0338

In the Karnataka High Court

Case No : Writ Petition No's. 41825-842 of 2011 (GM-RES)

Sri. C. Bhadrachari and Others

APPELLANT

Vs

The State of Karnataka

RESPONDENT

Date of Decision : 01-12-2011

Acts Referred:

Citation : (2011) 12 KAR CK 0338

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

Bench : Single Bench

Advocate : B.B. Gouday, for the Appellant; R.B. Sathyanarayana Singh, HCGP, for the Respondent

Judgement

B.S. Patil

1. Learned Government Pleader is directed to take notice for the respondents.
2. Petitioners are all policemen working in Karnataka State Reserve Police. According to them, their services were utilized in the Special Task Force (STF) constituted for the specific and sole purpose of nabbing the forest brigand Veerappan in Malle Mahadeshwara Hills in Chamarajanagar District.
3. In these writ petitions, petitioners are seeking a writ of mandamus against the respondent-authorities to pay one increment, the cash rewards and also to allot house site to each of the petitioners in their home district or in the district of their choice, in terms of the Government Order dated 08.07.2005. The said Government Order is produced at Annexure-A.
4. Several contentions are urged in support of the reliefs sought during the course of arguments. Learned Government Pleader was directed to take notice and secure instructions.
5. It is submitted at the bar that in similar circumstances, this Court has already disposed of several writ petitions filed by similarly placed persons issuing certain directions. In the light of this submission, it is unnecessary to examine the

various contentions with reference to the different reliefs sought by the petitioners.

6. Counsel for the petitioners draws the attention of the Court to the judgment in K. Ningaraju and Others Vs. The State of Karnataka, , to contend that similarly placed policemen who had served as members of STF have been ordered to be allotted sites, or in the alternative, a direction to pay the value of the site is issued and therefore, the present writ petitions may be disposed of, in terms of the order passed in K. Ningaraju's case.

7. A perusal of the said judgment discloses that similar grievance made by similarly placed persons have been dealt with and considered. The following directions are issued as can be seen from paragraph 9 of the said order.

(i) The prayer relating to quashing of Annexure-J dated 17.05.2010, 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 & 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.

8. In fact, based on this order, subsequently several writ petitions have been disposed of. In that view of the matter, I am of the considered view that the petitioners are entitled to similar relief, provided it is established that they have rendered their service as members of the STF constituted for the specific purpose of nabbing the forest brigand Veerappan. Ordered accordingly.

9. Three months time is granted from the date of receipt of this order to comply with this order.

10. Learned Government Pleader is permitted to file memo of appearance within three weeks from today.