
(2013) 10 KAR CK 0210
In the Karnataka High Court
Case No : Writ Petition No. 16788 of 2013 (BDA)

Sri Channamari

APPELLANT

Vs

Bengalooru Development Authority and The Aircraft
Employees Co-operative Society Ltd.

RESPONDENT

Date of Decision : 22-10-2013

Acts Referred:

Citation : (2013) 10 KAR CK 0210

Hon'ble Judges : Mohan M. Shantanagoudar, J

Bench : Single Bench

**Advocate : M.C. Veerabhadraiah, for the Appellant; Tharanath Shetty K., for R1,
for the Respondent**

Final Decision : Disposed Off

Judgement

Mohan M. Shantanagoudar, J.—Objections are filed by respondent No. 1. Site bearing No. 564 in Block "A" measuring 30" x 40" of AECS layout formed by 2nd respondent society situated at Sarjapura was allotted in favour of one A. Thomas and consequently sale deed came to be executed in his favour on 31.1.2006 as per Annexure-A. Said A. Thomas expired on 2.5.1999 and consequently possession certificate of said site was given in the name of his wife Smt. T.D. Mariam on 2.8.2010. So also, 2nd respondent society issued no objection certificate to BDA on 2.8.2010 to transfer the khatha in the name of wife of late A. Thomas. However, khatha was not changed in the name of Smt. T.D. Mariam, on the ground that site is not yet released by BDA. Subsequently, Smt. T.D. Mariam, W/o Late A. Thomas and her son Nithin Thomas, S/o. A. Thomas sold the very site No. 564 measuring 30" x 40" in favour of the petitioner for valuable consideration of Rs. 900 lakhs through registered sale deed dated 19.7.2011. Since then, the petitioner is said to be in possession of the property. He made application for change of khatha in his favour. Since such application is not considered by BDA, this writ petition is filed. Sri Taranath Shetty. K, learned counsel appearing on behalf of respondent No. 1-Authority has filed statement of

objections alongwith the document Annexure-R1 contending that the entire layout formed by 2nd respondent society is handed over to Bruhath Bangalore Mahanagara Palika as back as on 29.9.2007 itself as per Annexure-R1 and therefore BBMP has to change khatha in favour of the petitioner.

2. Since layout is handed over to BBMP for maintenance and for other purposes in accordance with law, the proper course open for the petitioner is to file an application for getting khatha in his favour. But, till this day, the petitioner has not made an application before BBMP for change of khatha. The sale deed Annexure-D dated 19.7.2011 under which the petitioner purchased the site from Smt. T.D. Marian and Mr. Nithin Thomas itself clearly reveals that layout is handed over to BBMP and that name of BBMP is entered in "B" property register. If it is so, the petitioner has to make an application before BBMP for getting khatha in his name. With these observations, writ petition stands disposed of.