
(2012) 09 KAR CK 0247

In the Karnataka High Court

Case No : Writ Petition No. 38279 of 2011 (GM-RES-PIL)

Sri M.R. Anil Kumar

APPELLANT

Vs

State of Karnataka

RESPONDENT

Date of Decision : 07-09-2012

Acts Referred:

Citation : (2012) 09 KAR CK 0247

Hon'ble Judges : Vikramajit Sen, C.J.;B.V. Nagarathna, J

Bench : Division Bench

Advocate : C.R. Gopalswamy, for M/S. C.R. Gopalswamy Associates, for the Appellant; R. Devdas, Aga for R1 to R3 and Sri. B.J. Somayaji, for R4, for the Respondent

Final Decision : Dismissed

Judgement

Vikramajit Sen, C.J.—It is most unfortunate that a housing scheme introduced as back as in the year 1991 could not be implemented because of repeated litigations. The petitioner is a member of the Mirle Gram Panchayat and has impleaded the K.R. Nagar Taluk Panchayat as one of the respondents. The prayer in the petition is for calling for the record of proceedings, if any, with regard to allotment of sites under the "Ashraya Scheme" in the year 1992 in Sy. No. 208, Mirle Village, K.R. Nagar Taluk, Mysore District. It has been clarified both by respondent No. 4 as well as on behalf of respondent Nos. 1 to 3 that the allotment in the year 1991 was not under the "Ashraya Scheme". 35 sites were allotted pursuant to "Dr. Ambedkar Birth Centenary Celebrations" to the members of the Scheduled Caste Community. Thereafter, Civil Suit No. 192/2000 as well as Writ Petition Nos. 485 to 487/1996 as also W.P. No. 30239/2000 thwarted the handing over of the possession to the allottees. It is significant to mention that out of the 35 allotments, possession of 29 sites have been delivered to the concerned persons on 05.05.2011 much before the filing of the present petition on 10.10.2011. So far as the six persons are concerned, allotment has not been completed because of a question of their ineligibility

under the scheme. It is also important to note that the 29 persons to whom the allotments have been made, have not been arrayed as parties. The writ petition can be dismissed purely on the ground that the prayer pertains to allotment under the "Ashraya Scheme", whereas the present allotment is under the "B.R. Ambedkar Birth Centenary Celebration, 1992". It is manifestly clear to us that the litigations have been filed repeatedly to obstruct this allotment. So far as the present petitioner is concerned, he is a member of the Mirle Grama Panchayat and cannot be heard to challenge the decision of the panchayat or that of the Taluk Panchayat. Even after the perusal of the affidavits filed on behalf of the respondents, arguments have been addressed in an Endeavour to show that there is irregularity and/or that the allotments have been made under the "Ashraya Scheme", when the possession is to the contrary. No public interest whatsoever has been made out. The petition is, accordingly dismissed with costs of Rs. 3,000/- payable to the Bangalore Mediation Centre, Bangalore.