

(2014) 03 KAR CK 0055

In the Karnataka High Court

Case No : Writ Petition No. 3183 of 2014 (LA-BDA)

Sri. R. Shankarappa

APPELLANT

Vs

The Commissioner, The Executive Engineer and The Special
Land Acquisition Officer, Bangalore Development Authority

RESPONDENT

Date of Decision : 12-03-2014

Acts Referred:

Citation : (2014) 03 KAR CK 0055

Hon'ble Judges : Anand Byrareddy, J

Bench : Single Bench

Advocate : M.R. Rajagopal, Advocate for the Appellant; C.R. Gopalaswamy, Advocate for R.1 to R.3, Advocate for the Respondent

Final Decision : Allowed

Judgement

Anand Byrareddy, J.—The petition coming up for preliminary hearing is considered for final disposal given the circumstance.

2. It is the case of the petitioner that one Channigaiah was the owner of land bearing Sy. No. 89(B) measuring 4 acres of Hammigepura village, Kengeri Hobli, Bangalore South taluk. The petitioner is said to have purchased the same under a registered sale deed dt. 26-04-1999 and the very land was subject matter of acquisition for a developmental scheme under the provisions of the Bangalore Development Authority Act, 1976, mainly for the purpose of formation of Banashankari VI Stage Layout and preliminary notification was issued dated 16-08-2001. It was followed by the final notification dated 28-08-2001. The notifications indicated, the erstwhile vendor of the petitioner - Channigaiah as the original owner. The petitioner had approached this Court by way of writ petition in W.P. No. 2851/2011 and sought for directions to extend the benefit of incentive site to be granted under an incentive scheme formulated by the BDA, as the petitioner was the owner of the land as on the date of the notification. The scheme is governed under the Rules framed by the BDA titled "Bangalore Development Authority (In respect of the Scheme for Voluntary surrender of

lands) Rules, 1989/Alternative Site for Revenue-site holder)". In terms of the same, the land owner who surrendered lands which were proposed to be acquired by the BDA would be offered incentive site as specified under the Rules in addition to compensation payable to such site owners. The procedure in this regard is also prescribed and the land owner was required to make an application. In the present case on hand, the petitioner has made an application. The writ petition having been disposed of with a direction to the respondents to consider the application of the petitioner, it is the petitioner's grievance that till date the same has not been considered. In this view of the matter, though the learned Counsel for the respondent who has entered appearance seeks time to file objections to the petition and to consider the merit of the claim of the petitioner, the respondents shall do well to consider the merit of the petitioner's application expeditiously and in accordance with the Rules. Since there is delay in considering the representation, the petitioner is before this Court. Therefore there is no necessity for the respondents to file objections in this petition.

3. The petition is allowed. The respondents are directed to consider the representation of the petitioner made in the aforesaid scheme as per application dated 04-09-2012 annexed to the petition at Annexure "B" and to pass appropriate orders within a period of four months, if not earlier, from the date of receipt of certified copy of the order.