

(2011) 01 KAR CK 0085

In the Karnataka High Court

Case No : Writ Petition No's. 22115-22116 of 2010

Sri S.N. Gowda and Others

APPELLANT

Vs

State of Karnataka, Mysore Urban Development Authority
and Bharathi Vidya Bhawan

RESPONDENT

Date of Decision : 31-01-2011

Acts Referred:

Parks, Play Fields and Open Spaces (Preservation and Regulation) Act, 1985 — Section 8

Citation : (2011) 01 KAR CK 0085

Hon'ble Judges : J.S. Khehar, C.J.;A.S. Bopanna, J

Bench : Division Bench

Advocate : Ramesh Chandra and Mahesh C, for the Appellant; Basavaraj Kareddy, Prl. G.A. for R1, T.P. Vivekananda, for P.S. Manjunath, for R2 and Sundaraswamy and Ramdas for R3, for the Respondent

Judgement

J.S. Khehar, C.J.—The Petitioners have approached this Court, so as to assail the order passed by the Mysore Urban Development Authority (Respondent No. 2 herein) dated 17.10.2008, whereby it sanctioned a civil amenity site to Respondent No. 3 i.e., Bharathi Vidya Bhavan, Vijayanagar, Mysore. It is the contention of the Petitioners, that Respondent No. 3 had sought the land in question for use as a play ground, and that, by the sanction letter dated 17.10.2008, the land under reference, could not have been allotted for construction of an educational and cultural building.

2. In response to the assertion contained in the writ petition, the Mysore Urban Development Authority has clearly averred in its statement of objections, that the depiction in the sanction letter dated 17.10.2008, "to construct educational and cultural building..." was a matter of an inadvertent mistake, and that, the land in question measuring 3522 sq. mts. was intended to be granted to Respondent No. 3 only for use as a playground. It is submitted, that the sanction letter and the consequential lease agreement, shd be rectified by an appropriate amendment within two weeks from today.

3. Learned Counsel for Respondent No. 3 as a consonance of the averments made in the statement of objections (filed on behalf of Respondent No. 3) contends, that the land measuring 5312 sq. rats, was sought by Respondent No. 3. only for the purpose of use as a play ground. It is submitted, that Respondent No. 3 has given an undertaking to this Court that the land in question shall only be used as a play ground, and any construction made thereon shall be in terms of the provisions of Section 8 of the Parks, Play Fields and Open Spaces (Preservation and Regulation) Act. 1985.

4. In view of the statement made by the learned Counsel for Respondent Nos. 2 and 3, we are satisfied, that the prayers sought by the Petitioner, through the instant writ petition filed in public interest, have been acceded to, and as such, the instant writ petition has been rendered infructuous.

Disposed of accordingly.

Since the main writ petitions themselves have been disposed of, Misc. W. 1082/2011 does not survive for consideration.