

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 02<sup>ND</sup> DAY OF AUGUST, 2021

BEFORE

THE HON'BLE MR. JUSTICE M. NAGAPRASANNA

WRIT PETITION No.1993/2021 (LB-RES)

**BETWEEN**

SMT.K.SHANTHAMMA  
W/O SRI T.CHIKKAMUNIYAPPA,  
AGED 69 YEARS,  
R/AT CHOKKAHALLI VILLAGE,  
AGALAGURKI POST, NANDI HOBLI,  
CHIKKABALLAPURA TALUK  
AND DISTRICT – 562 101.

PETITIONER IS REPRESENTED BY  
HER GENERAL POWER OF ATTORNEY HOLDER  
SRI H.N.NARENDRA  
S/O LATE NAGIREDDY,  
AGED 36 YEARS,  
R/AT 302, AT 3<sup>RD</sup> STAGE,  
FLOOR HERITAGE PLAZA,  
NEAR NANDI APARTMENT,  
DODDANEKKUNDI  
BENGALURU NORTH TALUK,  
BENGALURU – 560 037.

... PETITIONER

(BY SRI NARAYAN M.NAIK, ADVOCATE (PHYSICAL HEARING))

**AND**

1. STATE OF KARNATAKA  
REPRESENTED BY  
THE PRINCIPAL SECRETARY

URBAN DEVELOPMENT DEPARTMENT,  
VIKASA SOUDHA  
BENGALURU – 560 001.

2. THE COMMISSIONER,  
CHIKKABALLAPUR URBAN  
DEVELOPMENT AUTHORITY  
NO.20, 1<sup>ST</sup> FLOOR, BHAVANI KRIPA  
K.S.R.T.C. DEPOT ROAD,  
CHIKKABALLAPUR – 562 101.

... RESPONDENTS

(BY SRI NITHYANANDA K.R., HCGP FOR R1 (PHYSICAL HEARING);  
SRI AJAY KUMAR M., ADVOCATE FOR R2  
(VIDEO CONFERENCING))

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED LETTER DATED 22.10.2020 ISSUED BY THE R-2 PRODUCED AT ANNEXURE-A; DIRECT THE RESPONDENTS TO FINALISE THE APPROVAL OF RESIDENTIAL LAYOUT PLAN AS PER THE APPLICATION DATED 25.01.2019 PRODUCED AT ANNEXURE-D SUBMITTED BY THE PETITIONER.

THIS WRIT PETITION COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP THIS DAY, THE COURT MADE THE FOLLOWING:

### **ORDER**

The learned counsel appearing for the petitioner Sri.Narayan.M.Naik, learned High Court Government Pleader appearing for State Sri.Nithyananda.K.R. and the learned counsel Sri.Ajay Kumar.M., appearing for the Chikkaballapur

Urban Development Authority would in unison submit that the issue in the writ petition stands covered by the judgment rendered by the Co-ordinate Bench of this Court in W.P.No.236/2021 dated 17.04.2021, by which, an identical order of cancellation of plan was called in question primarily on the ground that it was in violation of principles of natural justice as there was no notice issued prior to cancellation of the layout plan that was approved earlier on the grounds set out in the order. It is in that light this Court directed that the impugned order be treated as a notice and gave opportunity to the petitioners to submit their reply.

2. The petitioner in this writ petition calls in question another order dated 22.10.2020 passed by respondent No.2 canceling the plan sanctioned on 08.01.2020, as was called in question in the aforesaid writ petition.

3. Therefore, I deem it appropriate to dispose this writ petition with the same terms in which W.P.No.236/2021 stood disposed on 17.04.2021.

4. Consequently, this Writ Petition is partly allowed. The impugned order dated 22.10.2020 is read down as a show cause notice to the petitioner and the petitioner is at liberty to submit her reply to the said order that is now read down as a show cause notice, within one month from the date of receipt of the copy of the order. The respondents shall pass appropriate orders, in accordance with law, within eight weeks thereafter.

All contentions of both the parties shall remain open to be urged.

**Sd/-  
JUDGE**

bkp  
CT:MJ