

**IN THE HIGH COURT OF KARNATAKA AT BANGALORE****DATED THIS THE 15<sup>th</sup> DAY OF OCTOBER 2014****BEFORE****THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH****WRIT PETITION No.6724/2014 (BDA)****BETWEEN:**

N.Kishore  
S/o B.N.Nataraj  
Aged 39 yrs, R/at No.1249,  
11<sup>th</sup> Cross, 1<sup>st</sup> Stage, 1<sup>st</sup> Phase,  
Chandra Layout, Bangalore. .. Petitioner

( By Sri Sundaresh H.C., Advocate )

**AND:**

The Commissioner  
Bangalore Development Authority,  
T.Chowdaiah Road,  
Bangalore. .. Respondent

( By Sri M.N.Ramanjaneya Gowda, Advocate )

This Writ Petition is filed under Articles 226 & 227 of the Constitution of India praying to set aside the cancellation order dated 26.12.2005 issued by the respondent As per Annexure-F.

This Writ Petition coming on for preliminary hearing 'B' group this day, the Court made the following :

**ORDER**

Petitioner has sought a writ of certiorari to set aside the cancellation order dated 26.12.2005 vide Annexure-F and a mandamus directing the respondent to consider the representation dated 6.3.2007 and 17.1.2014 and to accept the balance sital value and to execute the Sale Deed in favour of petitioner in respect of site bearing No.753, measuring 20' x 30', situated at 8<sup>th</sup> Block, further extension of Sir M.Vishveswaraiah Layout, Bangalore, as per the Circular dated 18.11.2010 or in the alternative, in case if site is not available, to allot alternative site of the same dimension in the same layout.

Heard the learned counsel for respective parties.

2. According to the learned counsel for the respondent-BDA, the Circular relaxing the condition with regard to payment of sital value in respect of persons belonging to schedule caste and scheduled tribes is issued subsequently, as such this Circular is not applicable to the case of the petitioner. He also submitted that due to non-payment,

cancellation was made, much less, petitioner made the payment belatedly and not within the time extended by the BDA. The same is disputed by learned counsel for the petitioner submitting that petitioner has made payment on 6.2.2004 and cancellation was during 2005 and respondent-BDA has issued a circular extending three years time to pay the sital value. He relies upon the order passed by this Court in Writ Petition No.15726/2013 (BDA), disposed of on 21<sup>st</sup> June 2013.

In view of the submissions made above, it is for the respondent-BDA to consider the grievance of the petitioner in accordance with law and also in terms of the orders passed by this Court in Writ Petition No.15726/2013 referred above.

Writ Petition is disposed of accordingly.

**Sd/-  
JUDGE**

\*bk/-