

IN THE HIGH COURT OF KARNATAKA BENGALURU

DATED THIS THE 13TH DAY OF AUGUST, 2021

BEFORE

THE HON'BLE MR.JUSTICE S.R. KRISHNA KUMAR

W.P. No.4495/2021 (LA-BDA)

BETWEEN:

SRI KARIYAPPA,
AGED ABOUT 73 YEARS,
S/O LATE KARIYANNA,
RESIDENT AT: NO.34, I.S.E.C. ROAD,
1ST MAIN ROAD, NAGARABAVI,
BANGALORE – 560 072.

- PETITIONER

(BY SRI NARASIMHA PRASAD S.D., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
REVENUE DEPARTMENT,
M.S. BUILDINGS, DR. AMBEDKAR VEEDHI,
BENGALURU-560 0001.
REPRESENTED BY ITS SECRETARY.
2. THE DEPUTY COMMISSIONER,
BENGALURU URBAN DISTRICT,
KANDAYA BHAVANA,
K.G. ROAD, BENGALURU-9
THE COMMISSIONER.
3. BANGALORE DEVELOPMENT AUTHORITY,
SANKEY ROAD CROSS, KUMARA PARK WEST,
BANGALORE-20
REPRESENTED BY ITS COMMISSIONER.

- RESPONDENTS

(BY SRI A.C. BALARAJ, AGA FOR R-1 & 2;
SRI M. UNNIKRISHNAN, ADVOCATE FOR R-3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED ENDORSEMENT DATED 05.02.2021 ISSUED BY THE R-3 VIDE ANNEXURE-K AND DIRECT THE RESPONDENTS TO ALLOT ALTERNATE LAND OR PAY COMPENSATION IN LIEU OF ACQUISITION OF LAND.

THIS WRIT PETITION COMING ON FOR ORDERS THROUGH VIDEO CONFERENCING AT DHARWAD BENCH, THIS DAY, THE COURT, MADE THE FOLLOWING:

ORDER

In this petition, the petitioner has sought for the following reliefs:

- (a) *Certiorari, quashing the impugned endorsement vide No.BDA/Vi.Bhoo.Swa.A/361/2020-21 dated 05.02.2021 issued by Respondent No.3, vide Annexure-K,*
- (b) *Mandamus directing the Respondents to allot alternate land or pay compensation in lieu of acquisition of land and*
- (c) *Issue any other writ, direction or order which deems fit to grant in the circumstances of the case in the interest of justice and equity.*

2. Heard learned counsel for the petitioner and learned counsel for the respondents and perused the material on record.

3. In addition to re-iterating the various contentions urged in the Memorandum of Petition and referring to the documents produced by the petitioner, learned counsel for the petitioner submits that pursuant to the representation dated 02.09.2020 at Annexure-H submitted by the petitioner to the BDA, since the BDA did not take any action, the petitioner preferred W.P.No.13928/2020 before this Court, which was disposed of directing the BDA to consider the representation within a period of two months. It is the grievance of the petitioner that though the petitioner had not challenged the acquisition of the schedule properties and his claim was restricted to either allotment of alternative land or payment of compensation, the BDA has issued the illegal and arbitrary endorsement refusing to consider the request

made by the petitioner by issuing the impugned endorsement, which deserves to be quashed.

4. Learned AGA for respondent Nos.1 and 2 and learned counsel for respondent No.3 submit that there is no merit in the petition and the same deserves to be dismissed.

5. Though several contentions have been urged by both sides in support of their respective contentions, having regard to the representation dated 02.09.2020 at Annexure-H submitted by the petitioner to the BDA and the order dated 17.11.2020 passed by this Court in W.P.No.13928/2020, the impugned endorsement dated 05.02.2021 issued by the BDA is vitiated since the same does not disclose valid or cogent reasons as to why the claim of the petitioner for alternative land or payment of compensation was being rejected by the BDA.

6. Under these circumstances, without expressing any opinion on the merits/demerits of the rival contentions,

I deem it just and proper to dispose of this petition by setting aside the impugned endorsement at Annexure-K dated 05.02.2021 and direct the BDA to re-consider his representation at Annexure-H dated 02.09.2020, in accordance with law, within a period of two months from the date of receipt of a copy of this order.

With the aforesaid directions and observations, the petition stands disposed of.

Sd/-
JUDGE

BMC