

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 15th DAY OF JULY 2013

PRESENT

THE HON'BLE MR. JUSTICE K.L.MANJUNATH
AND

THE HON'BLE MR. JUSTICE RAVI MALIMATH

WRIT PETITION NO.10229/2012(LA-BDA)

BETWEEN :

Sri.H.P.Kantharaju,
S/o.Sri.Putta Linge Gowda,
Aged about 46 years,
R/o.Kogilu Village,
Yelahanka Hobli,
Bangalore North Taluk.

...PETITIONER

(By Sri.Shanmukhappa, Adv. for
M/s.Kesvy & Co., Advs.)

AND :

1. The State of Karnataka,
Represented by its
Principal Secretary,
Urban Development Department,
4th Floor, Vikasa Soudha,
Bangalore – 560 001.

2. The Bangalore Development
Authority, Kumara Park West,
Bangalore, represented by its
Commissioner.

...RESPONDENTS

(By Sri.B.V.Shankar Narayana Rao, Adv. for R2
Sri.N.B.Vishwanath, AGA for R1)

. . . .

This Writ petition is filed under Articles 226 and 227 of the Constitution of India with a prayer to quash the impugned preliminary notification dated 16.08.2010 issued under Section 17(1) & (3) of the BDA Act, 1976 by the respondent No.2, which is produced at Annexure 'A' and etc.

This writ petition coming on for preliminary hearing, this day, **K.L.Manjunath J.**, delivered the following:

JUDGMENT

The petitioner is questioning the legality and correctness of the notification dated 16.08.2010 issued by the BDA under Section 17(1) & (3) of the BDA Act on the ground that he is the owner of 2 acre 1 guntas of land in Sy.Nos. 75/1 and Sy.No.5 of Kogilu village, Yelahanka Hobli, Bangalore and the land has been notified for acquisition for the construction of truck terminals and toll plaza, concerning the Peripheral Ring Road.

2. As a matter of fact, Annexure 'A' has been quashed by the learned Single Judge in W.P. Nos. 21920-21922/2011 on 8th September, 2011. The said order has been confirmed by the Division Bench of this Court in Writ Appeal Nos.17005-17007/2011. For the

reasons stated in the aforesaid appeals, the present petition is ***allowed***.

Annexure `A' is quashed.

**Sd/-
JUDGE**

**Sd/-
JUDGE**

SPS