

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF FEBRUARY 2015

BEFORE

THE HON'BLE MRS.JUSTICE B.V.NAGARATHNA

WRIT PETITION No.6700/2015 (LA-BDA)

BETWEEN:

Mr. MARTHAND SINGH MAHINDRA
S/O LATE SURESH MAHINDRA,
AGED ABOUT 50 YEARS,
R/AT AVALAHALLI ESTATE,
YELAHANKA HOBLI,
BANGALORE 560 032

... PETITIONER

(BY SRI K.SHASHIKIRAN SHETTY, SENIOR ADVOCATE FOR
SMT.LATHA SHETTY, ADVOCATE)

AND

1. THE STATE OF KARNATAKA
URBAN DEVELOPMENT DEPARTMENT,
VIKASA SOUDHA
BANGALORE 560 001
REP.BY ITS PRINCIPAL SECRETARY.
2. THE BANGALORE DEVELOPMENT AUTHORITY
T. CHOWDAIAH ROAD,
KUMARA PARK WEST,
BANGALORE 560 020
REP., BY ITS COMMISSIONER,

3. THE ADDITIONAL LAND ACQUISITION OFFICER
BANGALORE DEVELOPMENT AUTHORITY,
T. CHOWDAIAH ROAD, KUMARA PARK WEST,
BANGALORE 560 020

... RESPONDENTS

(BY SRI T.L. KIRAN KUMAR, AGA., FOR R1
SMT. A.D. VIJAYA, ADVOCATE FOR R2 AND R3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE PRELIMINARY NOTIFICATION ANNEXURE-A ISSUED UNDER SECTION 17(1) & (3) OF THE BDA ACT DATED 30.12.2008 PUBLISHED IN THE KARNATAKA GAZETTE DATED 31.12.2008 ISSUED BY RESPONDENT NOS.2 AND 3 IN SO FAR AS IT RELATES TO THE PETITION SCHEDULE LAND AND ETC.

THIS WRIT PETITION COMING ON FOR PRELIMINARY HEARING THIS DAY, COURT MADE THE FOLLOWING:

ORDER

Petitioner has assailed preliminary notification dated 30.12.2008, published in Karnataka Gazette on 31.12.2008, issued by second respondent-Bangalore Development Authority under Section 17(1) and (3) of the Bangalore Development Authority Act, 1976 (Annexure 'A' to the writ petition), in so far as land bearing Sy No.66 measuring 04

Acres 05 Guntas situate at Avalahalli Village, Yelahanka Hobli, Bangalore North Taluk, is concerned. The said survey number is shown at Sl.No.1351 of the impugned notification.

2. I have heard learned senior counsel for petitioner, learned Additional Government Advocate for respondent No.1 and learned counsel for respondent Nos.2 and 3 and perused the material on record.

3. During the course of submission, it has been brought to my notice by learned counsel that the impugned notification issued in respect of the aforesaid land has been quashed in W.P. No.9640/2014 and connected writ petitions by order dated 26.11.2014. The said order has been followed in several other writ petitions.

4. In the circumstances, the impugned preliminary notification dated 30.12.2008 published in Karnataka Gazette on 31.12.2008 is quashed in so far as the aforesaid land is concerned, as having lapsed as against the petitioner herein. This order is made by following order dated 26.11.2014

passed in W.P.No.9640/2014 and connected writ petitions as well as in W.P.Nos.1323-1330/2015 disposed on 09.02.2015.

5. In the result, Writ Petition is allowed by holding that notification dated 30.12.2008 published in Karnataka Gazette on 31.12.2008 has lapsed as against the petitioner herein, in respect of the aforesaid survey number.

**Sd/-
JUDGE**

sma