

IN THE HIGH COURT OF KARNATAKA CIRCUIT BENCH AT

GULBARGA

DATED THIS THE 27TH DAY OF MARCH 2013

BEFORE

THE HON'BLE MR. JUSTICE K.SREEDHAR RAO

WRIT PETITION NOs.81779-81790/2012 (GM-RES)

BETWEEN

1. SRI.HARLEEN SINGH S/O KULDEEP SINGH
AGE: 43 YEARS, CC: CIVIL ENGINEER
R/O H.NO.8-9-410
2. SRI. SUBHASH S/O MAHADEV
AGE:45 YEARS, OCC: BUSINESS
3. SRI. SEVASINGH S/O KARAM SINGH
AGE: 58 YEARS, OCC: BUSINESS
R/O H.NO.8-9-270/B-31
4. SRI. ANILKUMAR S/O RAJSHEKHAR KHANE
AGE:34 YEARS, OCC. ENGINEER
R/O H.NO.8-9-270/B-39
5. SRI. SHIVRAJ S/O KALAPPA SHIVPUJE
AGE:45 YEARS, OCC. GOVT. SERVANT
R/O H.NO.8-9-270/B-38
6. SMT. SWARAN KAUR W/O REWAL SINGH
AGE:48 YEARS, OCC. HOUSEHOLD
R/O 8-9-414 (NEW)
7. SRI. JAI HIND SHETKAR
S/O SIDDARAMAPPA SHETKAR
AGE:60 YEARS, OCC. RTD. CONTRACTOR
R/O H.NO.8-9-412

8. SRI. VALJNATH S/O KARBASAPPA SHERE
AGE:46 YEARS, OCC. PRIVATE SERVICE
R/O H.NO.8-9-408
9. SRI. JOGINDAR SINGH S/O HARNAM
AGE:60 YEARS, OCC. BUSINESS
10. SMT. RATN KAUR W/O VITTAL SINGH
AGE:55 YEARS, OCC. PRIVATE SERVICE
11. SMT. NIKKI KAUR W/O SATPAL SINGH
AGE:32 YEARS, OCC. HOUSEHOLD
12. SMT. HARJEET KAUR W/O NAGENDRA SINGH
AGE:54 YEARS, OCC. PRIVATE SERVICE

ALL RESIDENTS OF GURUNANAK COLONY
BIDAR , DISTRICT BIDAR, PIN : 585 401

... PETITIONERS

(BY SRI A VIJAY KUMAR, ADVOCATE)

AND

1. THE DEPUTY COMMISSIONER
OFFICE OF DEPUTY COMMISSIONER
BIDAR – 585 401
2. THE COMMISSIONER
BIDAR URBAN DEVELOPMENT AUTHORITY
BIDAR – 585 401
3. THE TECHNICAL MEMBER
BIDAR TOWN PLANNING OFFICE
BIDAR TOWN, DISTRICT BIDAR – 585 401
4. THE MUNICIPAL COMMISSIONER
OFFICER OF CITY MUNICIPALITY
BIDAR TOWN, DISTRICT BIDAR 585 401

... RESPONDENTS

(SRI SHIVAKUMAR TENGLI, AGA FOR R1;
SRI. P.S. MALIPATIL, ADV. FOR R2;
SRI. GOURISH KASHAMPUR, ADV. FOR R4 & R3 SERVED)

THESE WRIT PETITIONS ARE FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT OF MANDAMUS DIRECTING THE RESPONDENT 2 AND 3 TO CONSIDER THE PROPOSAL OF THE PETITIONERS AND TO RATIFY THE CHANGE OF USER OF THE PLOTS ALLOTTED AND SOLD TO THE PETITIONERS AND CONVEYED TO THEM UNDER SALE DEEDS IN TERMS OF ANNEXURE-D AND E.

THESE PETITIONS COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP THIS DAY, THE COURT MADE THE FOLLOWING:-

ORDER

The petitioners are the purchasers of the plots in private layout and the petitioners have put up the construction. The respondents 1 and 2 issued notice of demolition of the building constructed on the civic amenity sites by the petitioners. The petitioners, therefore, seek for a writ of mandamus to the respondents 2 and 3 to permit change of land use in respect of the plots sold to the petitioners.

2. It is the contention of the petitioners that the owner of the layout has got sufficient plots and other vacant lands in the same layout and that he has given proposals vide Annexure D to respondent No. 2 to treat the said lands as civil amenity sites which is to be considered by respondent No.2. It is therefore, directed

that Respondent No.2 shall consider Annexure D and pass appropriate orders in accordance with law. The writ petition is allowed.

**Sd/-
JUDGE**

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