

ITEM NO.33

COURT NO.10

SECTION IV-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 12301/2021

(Arising out of impugned final judgment and order dated 16-04-2019 in WA No. 6646/2017 passed by the High Court of Karnataka at Bengaluru)

B.S. LAKSHMI

Petitioner(s)

VERSUS

THE COMMISSIONER BENGALURU DEVELOPMENT
 AUTHORITY & ANR.

Respondent(s)

Date : 13-05-2022 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE HEMANT GUPTA
 HON'BLE MR. JUSTICE ABHAY S. OKA

For Petitioner(s) Mr. Praveen Swarup, AOR
 Ms. Payal Swarup, Adv.
 Mr. B.C. Santosh Kumar, Adv.
 Mrs. Pareena Swarup, Adv.
 Mr. Amit Singh, Adv.
 Mr. K.P. Singh, Adv.
 Mr. Kanishk Chaudhary, Adv.

For Respondent(s) Mr. S.K. Kulkarni, Adv.
 Mr. M. Gireesh Kumar, Adv.
 Mr. Ankur S. Kulkarni, AOR
 Ms. Uditha Chakravarthy, Adv.

UPON hearing the counsel the Court made the following
 O R D E R

As per Mr. Gireesh Kumar, learned counsel for the respondents, the Bangalore Development Authority (Allotment of Sites) Rules, 1984 (for short, 'the Rules'), as amended on 06.02.1998, w.e.f. 14.02.1998, would be applicable to the petitioner who was allotted a site meant for Economically Weaker Section in the year 2004.

A perusal of the Rule 2(d) of the said Rules shows that

the 'person considered to be belonging to Economically Weaker Section as notified by Government from time to time'.

However, it is pointed out that the Government has not notified the Economically Weaker Section after the amendment to the Rules in the year 1998.

Mr. Gireesh Kumar, learned counsel seeks some time to file an affidavit as to whether Economically Weaker Section has been notified by the Government or how the income of family as defined in Rule 2(e) can be considered for determining Economically Weaker Section status of an applicant.

List the matter after six weeks.

(SWETA BALODI)
COURT MASTER (SH)

(RENU BALA GAMBHIR)
COURT MASTER (NSH)