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IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 23RD DAY OF FEBRUARY 1998

B E F O R E

THE HON'BLE MR. JUSTICE CHANDRASHEKARAI AH

WRIT PETITION NOS.32872-73/1994

BETWEEN:

(IN W.P.NO.32872/94)

1. Sri K.Venkataswamy
S/o late Sri Kunnappa,
Major, residing at No.3/3,
Koramangala Road,
Audugodi,
Bangalore-560 030.

(IN W.P.NO.32873/94)

2. Smt. Savithramma
W/o Sri K.Venkataswamy,
Major, residing at No.3/3,
Koramangala Road,
Audugodi,
Bangalore-560 030.

...PETITIONERS

(By Sri R.B.Sadashivappa, Adv.)

AND:

1. The Commissioner
Corporation of the
City of Bangalore,
J.C.Road,
Bangalore-560 002.
2. The Assistant Revenue Officer
Shanthi Nagar Division,
Corporation of the City of
Bangalore, Bangalore.

...RESPONDENTS

(By Sri Ashok Haranahalli, Adv.)


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These writ petitions are filed under articles 226 and 227 of the Constitution of India with a prayer to quash the endorsement dt.5.7.94 issued by the R-2 vide Annexure 'J'.

These writ petitions coming on for preliminary hearing in 'B' group this day the Court made the following:-

ORDER

The petitioner in W.P.328/2/94 claims to be the owner of the property No.3/3 (old No.3) situated at Koramanagala Road, Audugodi, Bangalore-30 under a registered sale deed dated 17.9.1993 executed by one Sri V.M. Muniswamy. The petitioner in W.P.32873/94 claims to be the owner of the property bearing No.3/3 situated at Koramanangala Road, Audugodi, Bangalore-30 under a registered sale deed dated 17.9.93 executed by one Sri V.M. Muniswami. The said fact is not disputed. Prior to the sale in favour of the petitioners the katha was in the name of the vendor of the petitioners. After the purchase the petitioners made applications to the Corporation to transfer the katha to their name. On the said applications the Corporation issued an endorsement dated 5.7.1994 stating that the applications of the petitioners



for transfer of katha cannot be considered on the ground that the documents relating to this property were all sent to the Lokayukta. The Corporation has not disclosed for what reason these records were sent to the Lokayukta. Therefore, it is not known for what reason the records relating to the property of the petitioners were sent to the Lokayukta. Whenever an application is filed for transfer of katha and if there is no objection from any person regarding transfer of katha, the Corporation is duty bound to get the records if they are not required by Lokayukta and take necessary steps to consider the application for bifurcation and transfer of katha. During these days the katha is absolutely necessary for the owners of the property either to raise the loan or to develop the property. Therefore, in all seriousness the Corporation must take necessary steps to get the records from Lokayukta if they have sent the records to Lokayukta as there is no complaint relating ^{the} to the property of the petitioners and
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thereafter to consider and dispose of the same.

2. Accordingly, I pass the following order:

Writ petitions are allowed. A direction is issued to the Corporation to get the records from the Lokayukta relating to the property of the petitioners if they are in the ^{Office} ~~hands~~ of the Lokayukta and consider the request of the petitioners for bifurcation and transfer of katha in accordance with law as expeditiously as possible.

Sd/-
JUDGE

G/020398

