

IN THE HIGH COURT OF KARNATAKA, BANGALORE

DATED THIS THE 3RD DAY OF JANUARY 2006

BEFORE

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

W.P.No.2125 OF 2004 (LA-BDA)

BETWEEN

- 1 M SHIVANANDA
58 YEARS, S/O LATE MARILINGAPPA
R/O MALLATHAHALLI VILLAGE
YESHWANTHAPURA HOBLI
BANGALORE NORTH, REP BY GPA HOLDER
M N HARINATH, 43 YRS, S/O NAVANEETHAIAH
R/O NO 1433, PIPE LINE ROAD, VIJAYANAGAR
B'LORE
- 2 M MUNISWAMAPPA
52 YRS, S/O LATE MARILINGAPPA
R/O MALLATHAHALLI VILLAGE
YESHWANTHAPURA HOBLI
BANGALORE NORTH, REP BY GPA HOLDER
M N HARINATH, 43 YRS, S/O NAVANEETHAIAH
R/O NO 1433, PIPE LINE ROAD, VIJAYANAGAR
B'LORE
- 3 M MUNIRATHNA
50 YRS, S/O LATE MARILINGAPPA
R/O MALLATHAHALLI VILLAGE
YESHWANTHAPURA HOBLI
BANGALORE NORTH, REP BY GPA HOLDER
M N HARINATH, 43 YRS, S/O NAVANEETHAIAH
R/O NO 1433, PIPE LINE ROAD, VIJAYANAGAR
B'LORE
- 4 SRI.HANUMANTHARAYAPPA
43 YRS, S/O LATE RANGADASAPPA
R/O GIDADAKONENAHALLI
YESHWANTHPUR HOBLI,
BANGALORE NORTH TALUK.
- 5 SRI.GANESHA, S/O MUNIHANUMAIAH,
37 YRS, R/O GIDADAKONENAHALLI

YESHWANAHPUR HOBLI,
BANGALORE NORTH TALUK.

- 6 SRI.RANGASWAMY
34 YRS, S/O LATE MUNIHANUMALIAH
R/O GIDADAKONENAHALLI
YESHWANTHPURA HOBLI,
BANGALORE NORTH TALUK.

(BY SRI.K.N.PATIL, ADVOCATE)

... PETITIONERS

AND :

- 1 THE STATE OF KARNATAKA
URBAN DEVELOPMENT DEPT
MS BULDINGS, BANGALORE
REP BY ITS PRINCIPAL SECRETARY.
- 2 THE COMMISSIONER
BANGALORE DEVELOPMENT AUTHORITY
BANGALORE-20.
- 3 THE ADDITIONAL LAND ACQUISITION
OFFICER, BANGALORE DEVELOPMENT
AUTHORITY, BANGALORE.

... RESPONDENTS

(By Sri.T.A.RAMACHANDRAIAH, HCGF FOR R-1,
SRI.BASAVARAJ V.SABARAD, ADV. FOR R-2 & R-3)

THIS W.P. FILED UNDER ARTICLES 226 AND 227 OF
THE CONSTITUTION OF INDIA TO QUASH THE
PRELIMINARY NOTIFICATION DT. 8.4.2003 AND
PUBLISHED IN THE GOVT. GAZETTE DT. 9.4.2003
MARKED AS ANX.E AND ETC.

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

ORDER

Heard the counsel for the petitioners and Government Advocate for 1st respondent and Sri. Basavaraj Sabarad, counsel for 2nd and 3rd respondents.

2. Petitioners are the owners of different extent of lands ^{res. situated} in different survey numbers of Mallathahalli Village and Gidadakonenahalli Village, which were notified and acquired for formation of Further Extension of Sir.M.Vishwashwaraiah Layout by the respondents. Challenging the acquisition proceedings, the present petition is filed.

3. At the time of arguments, learned counsel for the petitioners' submits that this writ petition may be disposed of by this court giving directions to the Bangalore Development Authority to consider the case of the petitioners in the light of the directions issued in JUNJAMMA AND OTHERS Vs. THE BANGALORE DEVELOPMENT AUTHORITY, REPRESENTED BY ITS COMMISSIONER, BANGALORE AND OTHERS (I.L.R. 2005 KAR.608).

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4. The respondents' counsel have no objection for the same.

5. In the circumstances, this writ petition is disposed of granting liberty to the petitioners herein to approach the Bangalore Development Authority for their redressal and if such an application is filed by them, the Bangalore Development Authority shall consider the case of the petitioners in the light of the directions issued in JUNJAMMA's case.

Sd/-
JUDGE

msu