

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 31ST DAY OF AUGUST, 2012

BEFORE

THE HON'BLE MR. JUSTICE ANAND BYRAREDDY

WRIT PETITION No.32717 OF 2012 (LA-BDA)

BETWEEN:

SRI.VENKATAPPA
S/O CHINNA BOVI
AGED ABOUT 66 YEARS
NO.EN395, BOVI COLONY
MARIYAPPANA PALYA
JANABARATHI POST
BANGALORE – 56

...PETITIONER

(BY SRI.M.NARAYANA REDDY, ADVOCATE)

AND:

1. THE ADDITIONAL LAND ACQUISITION OFFICER
BANGALORE DEVELOPMENT AUTHORITY
CHOWDAIAH ROAD
BANGALORE – 560 020

2. THE COMMISSIONER
BANGALORE DEVELOPMENT AUTHORITY
CHOWDAIA ROAD
BANGALORE – 560 020

3. B.S.SRINIVAS
S/O LATE C.V.SHAMA BHOVI
AGED ABOUT 57 YEARS

R/AT MARIYAPPANA PALYA
NAGADEVANAHALLI
JNANABHARATHI POST

KENGERI HOBLI
BANGALORE – 560 065

ALSO AVAILABLE AT:
R/AT NO.395, 14TH MAIN ROAD
3RD PHASE, WEST OF CHORD ROAD
BANGALORE

4. GOVINDAIA
FATHER NAME AND AGE
NOT KNOWN
NAGADEVANAHALLI
KENGERI HOBLI
BANGALORE SOUTH TALUK
BANGALORE – 560 060
5. ALLA BAKASH
S/O BASHA
FATHER NAME AND AGE
NOT KNOWN
NAGADEVANAHALLI
KENGERI HOBLI
BANGALORE SOUTH TALUK
BANGALORE – 560 060
6. C.V.SHAMA BHOVI
FATHER NAME AND AGE
NOT KNOWN
NAGADEVANAHALLI
KENGERI HOBLI
BANGALORE SOUTH TALUK
BANGALORE – 560 060
7. CHANDRASHEKAR VADAPPA
FATHER NAME AND AGE
NOT KNOWN
NAGADEVANAHALLI
KENGERI HOBLI
BANGALORE SOUTH TALUK
BANGALORE – 560 060
8. SURESH CHAND POKAGRA
S/O GULAB CHANDJI

POKRA KANTILAL CLOTH EMPORIUM
CHANNAPATNA

... RESPONDENTS

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED ORDER DATED 18.8.2012 PASSED BY THE FIRST ADDITIONAL CITY CIVIL JUDGE AT BANGALORE IN LAC NO.143/1996 ON THE APPLICATION FILED BY THE RESPONDENT UNDER SECTION 151 OF CPC VIDE ANNEXURE-A, ETC.

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

ORDER

Heard learned counsel for the petitioner.

2. The petitioner claims that the land in survey No.112 measuring 2 acres of Nagadevanahalli Village, Bangalore South Taluk, was granted in favour of the petitioner. Subsequently, the same was sold in favour of the father of respondent No.3, one Sri.Shama Bhovi. Thereafter, under the provisions of Karnataka Prevention of Transfer of Certain Lands Act, 1978, proceedings were initiated before the competent authority, who ordered restoration of the land, in favour of the petitioner, holding that the sale in favour of the

father of respondent No.3 was in violation of the provisions to the Act. This was challenged in a writ petition before this Court and the writ petition was dismissed, pursuant to which, an appeal was filed before a Division Bench. The appeal was allowed and the matter was remanded for a fresh enquiry before the competent authority. The order directing restoration of the land to the petitioner, having been affirmed, yet again, the claim of the petitioner was allowed and it attained finality. Pursuant to which, since the land in question was acquired by the Bangalore Development Authority, the petitioner became entitled to compensation payable in respect of the said land. Accordingly, he had entered appearance in case No.LAC 143/1996 and sought for release of the compensation amount, which was duly released to him, on 9.8.2012. Whereas, respondent No.3 had filed an application to recall the order dated 9.8.2012 on the footing that the orders passed by the competent authorities under the KPTCL Act had been stayed in writ proceedings before

this Court in Writ Petition No.7575/2012, by virtue of an interim order dated 30.3.2012. The petitioner complains that without notice to the petitioner and without appreciating the fact that the claim of respondent No.3 was rejected before the court below, which has not been challenged before this Court, the First Additional City Civil Judge, Bangalore has allowed the application filed by respondent No.3 and directed the petitioner to redeposit the compensation amount received. It is in this background, that the present petition is filed.

3. In the facts and circumstances, the proper course of action for the petitioner is to approach this Court in W.P.No.7575/2012 and place his case on merits before this Court, in order that he may be granted appropriate reliefs. Since the court below has directed the petitioner to redeposit the amount, only by virtue of the order passed by this Court, entertaining the present petition would result in multiplication of proceedings, which

should be avoided. Accordingly, the petition stands disposed of.

**Sd/-
JUDGE**

AHB