

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 31<sup>ST</sup> DAY OF MAY 2013

: PRESENT :

THE HON'BLE MR.D.H.WAGHELA, CHIEF JUSTICE

AND

HON'BLE MRS.JUSTICE B.V.NAGARATHNA

WRIT APPEAL NO. 1085 / 2013 (KLR-RES)

BETWEEN

M KRISHNAPPA  
S/O LATE MUNISHAMAPPA,  
AGED 72 YEARS, R/AT NO. 486,  
POST OFFICE ROAD, K.R.PURAM,  
BANGALORE – 560 036.

... APPELLANT

( BY SRI S N ASWATHANARAYAN, ADV. )

AND

1. STATE OF KARNATAKA  
REP. BY ITS SECRETARY,  
REVENUE DEPARTMENT,  
M.S.BUILDING, BANGALORE - 560 001.
2. THE DEPUTY COMMISSIONER  
BANGALORE URBAN DISTRICT,  
BANGALORE-560 009.
3. TAHSILDAR  
BANGALORE EAST TALUK,  
BANGALORE-560 036.
4. THE COMMISSIONER  
BENGALURU BRUHATH MAHANAGARA PALIKE,  
N.R.SQUARE, BANGALORE-560 002.

... RESPONDENTS

( BY SRI B.VEERAPPA, AGA FOR R1 TO R3.  
SRI B.V. MURALIDHAR, ADV. FOR R4. )

WRIT APPEAL FILED U/S 4 OF THE KARNATAKA HIGH COURT ACT PRAYING TO SET ASIDE THE ORDER PASSED IN THE WRIT PETITION No. 37257/2009 DATED 8/1/13.

THIS APPEAL COMING ON FOR PRELIMINARY HEARING THIS DAY, NAGARATHNA, J, DELIVERED THE FOLLOWING:

### J U D G M E N T

The order of the Deputy Commissioner dated 6.10.2001 (Annexure-J) transferring 2 acres 3 guntas of land in S.No. 57 of Seegehalli village to City Municipal Council, K.R.Puram, for the purpose of distribution of sites to the siteless persons under 'Ashraya Scheme' was the subject matter of Writ Petition No. 37257/2009. The grievance of the petitioner in the said petition, who is the appellant in the present appeal, was that the said order was passed behind his back and though he was possessing saguvali chit and mutation entry was effected in his favour in respect of the said land, the Deputy Commissioner could not have transferred the same for the purpose of 'Ashraya Scheme'.

2. The learned Single Judge, while discussing in detail the facts of the case, has disposed of the writ petition reserving liberty to the petitioner to approach the civil court for seeking the reliefs. The said order, in our view, would not call for any interference in this appeal. In substance, the petitioner is seeking a declaration that the said land belongs to him on account of the grant made by the Committee for Regularization of Unauthorized Occupants to him. The grant order itself has not been produced. The learned Single Judge, having regard to these facts, had directed the petitioner to approach the civil court. We find that the said liberty reserved by the learned Single Judge is just and proper.

3. There is no merit in this appeal. The appeal is accordingly dismissed.

Sd/-  
CHIEF JUSTICE

Sd/-  
JUDGE

ckc/-