

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 28TH DAY OF NOVEMBER, 2014

BEFORE

THE HON'BLE MR. JUSTICE A.S. BOPANNA

WRIT PETITION NO.12972/2014 (LA-BDA)

BETWEEN:

SRI NARAYAN,
S/O.LATE GOPALAPPA,
AGED ABOUT 60 YEARS,
R/AT NO.126,
DODDABOMMASANDRA,
VIDYARANYAPURA,
BANGALORE-560 097.

... PETITIONER

(BY SRI ROOPESH B., ADV.)

AND:

1. THE STATE OF KARNATAKA,
BY ITS SECRETARY TO
DEPARTMENT OF HOUSING
AND URBAN DEVELOPMENT,
M.S.BUILDING,
DR.AMBEDKAR VEEDHI,
BANGALORE-560 001.
2. THE BANGALORE
DEVELOPMENT AUTHORITY,
T.CHOWDAIAH ROAD,
KUMARA PARK WEST,
BANGALORE-560 020,
REP. BY ITS COMMISSIONER.
3. THE LAND ACQUISITION OFFICER,
BANGALORE DEVELOPMENT
AUTHORITY,

T.CHOWDAIAH ROAD,
KUMARA PARK WEST,
BANGALORE-560 020.

... RESPONDENTS

(BY SRI S.V.GIRIKUMAR, AGA FOR R1
SRI G.S.KANNUR, ADV. FOR R2 & R3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO DECLARE THAT, THE PROCEEDINGS INITIATED BY THE R-2 IN PRLY. NOTIFICATION DT.30.12.2008 U/S 17(1) & (3) OF B.D.A. ACT, 1976 IS NULL AND VOID & BECOME UNENFORCEABLE AS THE SCHEME IS LAPSED BY OPERATION OF LAW IN RESPECT OF PETITIONER'S LAND I.E., SY.NO.19/1 OF VADERAHALLI VILLAGE, YELAHANKA HOBLI, BANGALORE NORTH TQ., VIDE ANNX-E.

THIS WRIT PETITION COMING ON FOR PRELIMINARY HEARING 'B' GROUP THIS DAY, THE COURT PASSED THE FOLLOWING:

O R D E R

The petitioner herein is assailing the notification dated 30.12.2008 issued for acquiring the lands for formation of 'Dr.K.Shivarama Karantha Layout'.

2. The grievance of the petitioner is that despite lapse of time, no further proceedings for acquisition has been held. The said question had arisen for consideration before this Court in W.P.No.9640/2014 and connected petition which was disposed of by this Court by the order dated 26.11.2014. Since, the issue raised herein is similar to the issue considered therein, it is held that the

notification dated 30.12.2008 would stand lapsed insofar as the lands belonging to the petitioner herein which is included in the preliminary notification.

In terms of the above, the writ petition stands disposed of.

**Sd/-
JUDGE**

ST