

IN THE HIGH COURT OF KARNATAKA, BENGALURU

DATED THIS THE 27<sup>TH</sup> DAY OF FEBRUARY 2015

BEFORE

THE HON' BLE MRS JUSTICE B.V.NAGARATHNA

W.P NO.4871/2015 (LA-BDA)

BETWEEN:

SMT. K.BHARATHI, W/O R.M.RAJANNA,  
AGED ABOUT 50 YEARS,  
R/O NO.1, ASHWININ NILAYA,  
BYRAPPA GARDEN,  
RAMACHANDRAPURA,  
JALAHALLI POST,  
BENGALURU - 560 013.

... PETITIONER

(BY SHRI. PATIL SANGANAGOWDA GURANAGOWDA, ADV.)

AND:

1.STATE OF KARNATAKA,  
BY ITS SECRETARY,  
DEPARTMENT OF URBAN DEVELOPMENT,  
M S BUILDING,  
BANGALORE-560001.

2.BANGALORE DEVELOPMENT AUTHORITY,  
K P WEST EXTENSION,  
BANGALORE-560020  
REPTD BY ITS COMMISSIONER

3.THE ADDITIONAL LAND ACQUISITION OFFICER,  
BANGALORE DEVELOPMENT AUTHORITY,  
K P WEST EXTENSION,

BANGALORE-560020.

... RESPONDENTS

(BY SHRI. T.L.KIRAN KUMAR, AGA FOR R1,  
SMT. A.D. VIJAYA, ADV. FOR R2 & R3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE PRELIMINARY NOTIFICATION DATED 30.12.2008 PUBLISHED IN KARNATAKA GAZETTE DATED 30.12.2008 ISSUED UNDER SECTION 17(1) & (3) OF THE BDA ACT, 1976 AT ANNEX-A BY THE R-2 IN SO FAR AS TO THE PETITIONER SCHEDULE LANDS ARE CONCERNED.

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

ORDER

Petitioner has assailed preliminary notification dated 30.12.2008, issued by second respondent-Bangalore Development Authority under Section 17(1) and (3) of the Bangalore Development Authority Act, 1976 (Annexure-A to the writ petition), in respect of lands measuring 29 guntas and another 29 guntas in Sy.No.100, at Jarakabandekaval Village, Yelahanka Hobli, Bangalore North Taluk, morefully described in the schedule insofar as petitioner is concerned.

2. I have heard learned counsel for petitioner and learned Additional Government Advocate for respondent no.1 and learned counsel for respondent no.2 and 3 and perused the material on record.

3. During the course of submission, it has been brought to my notice that the impugned notification has been quashed in W.P. No.9640/2014 and connected writ petitions by order dated 26.11.2014 in respect of the petitioners in those writ petitions. The said order has been followed in several other writ petitions.

4. In the circumstances, the impugned preliminary notification dated 30.12.2008 is quashed insofar as the aforesaid lands are concerned, as having lapsed as against the petitioner herein. This order is made by following order dated 26.11.2014 passed in W.P.No.9640/2014 and connected writ petitions as well as in W.P.Nos.1323-1330/2015 disposed on 9.2.2015.

5. In the result, writ petition is allowed by holding that notification dated 30.12.2008 has lapsed as against the .petitioner herein, in respect of the aforesaid survey numbers.

**Sd/-  
JUDGE**

Msu