



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF JUNE, 2023

BEFORE

THE HON'BLE MR JUSTICE R DEVDAS

WRIT PETITION NO. 13364 OF 2023 (LB-BMP)

BETWEEN:

SRI. N. PARAS KUMAR
AGED ABOUT 52 YEARS,
S/O LATE G. NEMI CHAND,
RESIDING AT NO.16, MDM ROAD,
FRAZER TOWN,
BANGALORE - 560 005.

...PETITIONER

(BY SRI. RAMACHANDRA REDDY B R., ADVOCATE)

AND:

1. THE COMMISSIONER
BRUHAT BENGALURU MAHANAGARA PALIKE,
NR SQUARE,
BENGALURU - 560 001.
2. THE ASSISTANT REVENUE OFFICER,
BRUHAT BENGALURU MAHANAGARA PALIKE,
MARUTHI SEVA NAGAR SUB-DIVISION,
MM ROAD, COXS TOWN,
BENGALURU - 560 005.
3. THE ASSISTANT EXECUTIVE ENGINEER,
BRUHAT BENGALURU MAHANAGARA PALIKE,
C.V.RAMAN NAGAR DIVISION,
2ND MAIN, KASTHURI NAGAR,



- BENGALURU – 560 043.
4. DEPUTY COMMISSIONER,
BANGALURU URBAN DISTRICT,
KANDAYA BHAVAN,
K.G.ROAD,
BENGALURU – 560 001.
5. EXECUTIVE OFFICER,
TALUK PANCHAYAT OFFICE,
BENGALURU SOUTH TALUK,
BANASHANKARI,
BENGALURU – 560 078.

...RESPONDENTS

(BY SRI.PAWAN KUMAR, ADVOCATE FOR R1 TO R3;
SRI.NITHYANANDA K.R., AGA FOR R4)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO
QUASH THE ENDORSEMENTS OF THE R-2 BEARING
NO.SA.KAM.AA (MHA.SE.NA) PR/222/2014-15 DATED
04/09/2014 (ANNEXURE -H) AND 14/08/2019 (ANNEXURE-M)
NO.SA.KAM.AA. (MHA.SE.NA) PR/46/2019-20 REFUSING TO
TRANSFER THE KHATA IN THE RECORDS OF THE BBMP IN THE
NAME OF THE PETITIONER AND ETC.,

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



ORDER

R.DEVDAS J., (ORAL):

Learned Additional Government Advocate is directed to take notice for respondent No.4-Deputy Commissioner, Bengaluru Urban District. Sri.Pawan Kumar, learned counsel who is present in the Court is directed to take notice for respondent Nos.1 to 3. Notice to respondent No.5 is not necessary for the following reasons.

2. Learned counsel for the respondent-BBMP submits that in W.P.No.13348/2023 and connected matters, which were disposed of on 28.06.2023, this Court considered similar such grievances and dismissed the writ petitions. Learned counsel therefore submits that this writ petition may also be disposed of in similar terms.

3. The writ petitioners are similarly situated as the writ petitioners in W.P.No.13348/2023 and connected matters. Whatever, relief was given to the writ petitioners therein, would enure to the benefit of the petitioner



herein. For immediate reference paragraph Nos.7 and 8 of the orders passed in W.P.No.13348/2023 is extracted herein below.

"7. Per contra, learned counsel for the respondent-Corporation submits that if the construction has been commenced by the Corporation, it can be only on the basis of the directions of the Deputy Commissioner who appears to have reserved the properties in question for construction of community hall. That being the position, learned counsel for the respondent-Corporation submits that no such direction can be given by this Court in the matter of construction, since the writ petition is concerning the registration or transfer of katha in favour of the petitioners. Moreover, the petitioners have already approached the City Civil Court by filing original suits seeking declaration of title. Therefore, if any direction could be issued, it is the City Civil Court to restrain the defendants therein from proceeding with the construction pending final decision of the suit.



8. *Having heard the learned counsels and on perusing the petition papers, this Court is of the considered opinion that since the grievance of the petitioners is pertaining to transfer of katha in the office of the respondent-Corporation, the interim prayer made in the writ petition to restrain the respondents from commencing or proceeding with the construction on the properties belonging to the petitioners cannot be granted. However, in respect of the katha, the petitioners have not produced any documents to show that the katha has been transferred in favour of any other persons or entity. Nevertheless, since it is alleged at the hands of the petitioners that the Corporation itself has commenced the construction work, the respondent-Corporation is hereby directed that pending consideration of the application for transfer of the katha made by the petitioners, the respondent-Corporation cannot transfer the katha in the name of any other persons or entity. Since a suit for declaration is said to have been filed by the petitioners, the corporation shall await the outcome of the suits in so far as the registration / transfer of the katha is concerned. Accordingly, these writ petitions are disposed of.*



Ordered accordingly.

Needless to observe that the petitioners have all the right to seek an order of temporary injunction restraining the defendants in the suit pending consideration before the City Civil Court. The observations made hereinabove shall not prejudice the case of any of the parties before the Civil Court."

Consequently, this writ petition also stands disposed of in similar terms.

Sd/-
JUDGE