

IN THE HIGH COURT OF KARNATAKA, BANGALORE

DATED THIS THE 16TH DAY OF NOVEMBER, 2010

PRESENT

THE HON'BLE MR. J. S. KHEHAR, CHIEF JUSTICE

AND

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

W.P. Nos.12954-12957/2009 (GM-RES-PIL)

c/w

W.P. No. 13241/2009 (GM-RES-PIL)

W.P. Nos.12954-12957/09

BETWEEN:

- 1 MAHAVEER RANKA
S/O SETH KALURAM RANKA
AGED ABOUT 65 YEARS
5TH MAIN, JAYANAGAR
BANGALORE 560 011
- 2 SUJAY B S
S/O B P SURESH KUMAR
AGED ABOUT 37 YEARS
R/O # NO. 57/41
SARVAPATHA SIDDHI
40TH CROSS, JAYANAGAR
BANGALORE 560 082
- 3 V NARAYAN SWAMY
S/O VENKATASWAMY
AGE ABOUT 60 YEARS
N 6TH MAIN, JAYANAGAR
BANGALORE - 560 082
- 4 SRI SRIRAMEGOWDA
AGE: 62 YEARS
S/O LINGE GOWDA

FORMER DEPUTY MAYOR BMP
 NO. 96, (13) 5TH CROSS
 AZAD NAGAR, CHAMRAJPET
 BANGALORE - 560 018 ...PETITIONERS

(BY SRI V S GUNJAL &
 SRI VARDHAMAN V GUNJAL, ADVs.)

AND:

- 1 BANGALORE METRO RAIL
 CORPORATION LTD
 REP. BY ITS MANAGING DIRECTOR
 K.H. ROAD, BANGALORE - 560 027
- 2 THE SPECIAL LAND ACQUISITION OFFICER
 (INTERNATIONAL AIR PORT)
 KARNATAKA INDUSTRIAL AREAS
 DEVELOPMENT BOARD
 KHENY BUILDING, 1ST CROSS
 GANDHI NAGAR, BANGALORE - 560 009
- 3 THE TREE OFFICER AND ASSISTANT
 CONSERVATOR OF FORESTS, SUB DIV. I
 BRUHAT BANGALORE MAHANAGARA PALIKE
 RANI CHENNAMMA CIRCLE
 BENGALURU - 560 002
- 4 DEPARTMENT OF HORTICULTURE
 STATE OF KARNATAKA
 LALBAGH BOTANICAL GARDEN
 BANGALORE - 560 027 ...RESPONDENTS

(BY SRI BASAVARAJ KAREDDY, PRL.G.A. FOR R1 TO 4
 SRI UDAYA HOLLA, Sr. COUNSEL FOR
 SMT. SUMANA BALIGA M, ADV. FOR R1)

THESE WRIT PETITIONS ARE FILED UNDER
 ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA
 PRAYING TO QUASH ANX-A THE NOTIFICATION DATED
 28.02.2004 IN SO FAR AS ELEVATED METRO RAILWAY IN

SO FAR AS KR ROAD (NEAR BMC) UPTO VANI VILAS ROAD ALONG VV ROAD UPTO LALBAGH WEST GATE AND FROM WEST GATE ALONG R V ROAD UPTO TO DEAD END OF R V ROAD BY ISSUING A WRIT OF CERTIORARI; ETC.,

W.P. No. 13241/09

BETWEEN:

- 1 ENVIRONMENT SUPPORT GROUP
(TRUST REGISTERED UNDER
INDIAN TRUST ACT)
REP. BY Mr. ARTHUR PEREIRA TRUSTEE
S/O LATE Mr. THOMAS PEREIRA
1572, 100 FEET RING ROAD, 36TH CROSS
BANASHANKARI II STAGE
BANGALORE – 560 070
- 2 Mr. LEO SALDANHA S/O S.J. SALDANHA
AGED ABOUT 40 YEARS
1, PEARL GARDENS
VAJARAHALLI, KANAKAPURA ROAD
BANGALORE – 560 062
(APPEARING IN PERSON)
- 3 HASIRU USIRU
REP. BY ITS CONVENOR
Mr. VINAY SREENIVASA
S/O Mr. K K SREENIVASA GUPTHA
AGED 28 YEARS
1572, 100 FEET RING ROAD, 36TH CROSS
BANASHANKARI II STAGE
BANGALORE – 560 070 ... PETITIONERS

(BY SRI S SIDDAPPA &
SRI SUNIL DUTT YADAV, ADVs.

AND :

- 1 BANGALORE METRO RAIL
CORPORATION LTD.

3RD FLOOR, BMTC COMPLEX,
K.H. ROAD, SHANTHINAGAR

BANGALORE – 560 027
REP. BY ITS MANAGING DIRECTOR

- 2 STATE OF KARNATAKA
REP. BY ITS CHIEF SECRETARY
VIDHANA SOUDHA
BANGALORE – 560 001
- 3 BRUHAT BANGALORE MAHANACARA PALIKE
N.R. SQUARE
BANGALORE – 560 002
REP. BY ITS COMMISSIONER
- 4 MINISTRY OF URBAN DEVELOPMENT
GOVERNMENT OF INDIA
NIRMAN BHAVAN
NEW DELHI 110 001
REP. BY ITS SECRETARY ALSO CHAIRMAN
OF THE BOARD OF RESPONDENT 1
- 5 DEPARTMENT OF HORTICULTURE
GOVERNMENT OF KARNATAKA
LALBAGH, BANGALORE – 560 027
REP. BY ITS DIRECTOR
- 6 DEPUTY DIRECTOR
HORTICULTURE, LALBAGH
GOVERNMENT OF KARNATAKA
BANGALORE – 560 027
- 7 TREE OFFICER (BANGALORE SOUTH)
BRUHAT BANGALORE MAHANAGARA PALIKE
2ND BLOCK, JAYANAGAR
BANGALORE – 560 041
- 8 BANGALOE METROPOLITAN LAND
TRANSPORT AUTHORITY
DIRECTORATE OF URBAN
LAND TRANSPORT
ROOM NO. 340, VIKAS SOUDHA
BANGALORE 560 001
REP. BY ITS COMMISSIONER

- 9 DEPARTMENT OF URBAN DEVELOPMENT
MULTISTOREYED BUILDING
Dr. AMBEDKAR VEEDHI
BANGALORE – 560 001
REP. BY ITS PRINCIPAL SECRETARY
- 10 COMMISSIONER OF POLICE
INFANTRY ROAD
BANGALOE – 560 001
- 11 DEPARTMENT OF TOWN PLANNING
MULTISTORIED BUILDING
Dr. AMBEDKAR VEEDHI
BANGALORE – 560 001
REP. BY ITS DIRECTOR
- 12 BANGALORE DEVELOPMENT AUTHORITY
T CHOWDIAH ROAD
BANGALORE – 560 020
REP. BY ITS COMMISSIONER
- 13 KARNATAKA INDUSTRIAL AREA
DEVELOPMENT BOARD
KHENY BUILDING, 1ST CROSS
GANDHINAGAR
BANGALORE – 560 009
REP. BY ITS SPECIAL LAND
ACQUISITION OFFICER
- 14 JOINT DIRECTOR
PARKS AND GARDENS
GOVERNMENT OF KARNATAKA
LALBAGH
BANGALORE – 560 027 ... RESPONDENTS

(BY SRI UDAYA HOLLA, Sr. COUNSEL FOR
SMT. SUMANA BALIGA M, ADV. FOR R1
SRI BASAVARAJ KAREDDY, PRL.G.A. FOR R2-7 & 11
SRI K N PUTTEGOWDA, ADV. FOR R3 & R7
SRI KRISHNA, ADV. FOR R1
SRI KALYAN BASAVARAJ, A.S.G. FOR R4
SRI B V SHANKARANARAYANA RAO, ADV. FOR R12)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE ORDINANCE 4 OF 2008 (ANNEXED AT ANNEX -F DATED 22.11.2008 AND CONSEQUENTLY ISSUE WRIT OR ORDER TO QUASH THE GOVERNMENT ORDER DATED 25.02.2009 (ANNEXED AT ANNEX-H); ETC.,

THESE PETITIONS COMING ON FOR PRELIMINARY HEARING THIS DAY, CHIEF JUSTICE MADE THE FOLLOWING:

ORDER

J.S.KHEHAR, C.J. (Oral):

Learned counsel for the petitioners states, that without seeking any further direction on the factual controversy brought out through the instant writ petitions, the petitioners would be satisfied, if a direction is issued to the State Government, as also, the Bangalore Development Authority to ensure, that in future, in case, they desire to change the land use, as has been depicted in the master plan, the competent authority shall follow the procedural mandate depicted in Section 14-A of the Karnataka Town and Country Planning Act, 1961. And likewise, in case of making a town planning scheme, the State Government, as also, the Bangalore Development Authority shall comply with

Jagdish Singh

the procedure contained in Sections 29, 30, 31, 32 and 34 of the Karnataka Town and Country Planning Act, 1961.

2. Mr. Basavaraj Kareddy, learned Pri. Government Advocate, who represented the State and Mr. K. Krishna, learned counsel, who on our asking accepts notice on behalf of the Bangalore Development Authority, agree, that the provisions referred to hereinabove, shall be complied with, without any deviation whatsoever.

3. In view of the statement made to us, by the learned counsel representing the State Government and also Bangalore Development Authority, we are of the view, that the instant writ petitions having been rendered infructuous, the same are enable to be disposed of, as infructuous. Needless to mention, that in case of violation of direction issued by this Court, based on the statement made to this Court, the concerned officer/official shall be held responsible, for

Jagdish Singh

his having disobeyed the order passed by this Court, as also, the prescribed mandate of law.

Sd/-
Chief Justice

Sd/-
JUDGE

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Index: Y/N