

ITEM NO.1 Court 8 (Video Conferencing) SECTION IV-A

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Miscellaneous Application No. 1614-1616/2019 in C.A. No. 7661-7663/2018

BANGALORE DEVELOPMENT AUTHORITY & ANR. Petitioner(s)

VERSUS

STATE OF KARNATAKA & ORS. Respondent(s)

(Inquiry Report has been received from Hon'ble Mr. Justice K.N. Keshavanarayana.

IA No. 46142/2021 - APPLICATION FOR PERMISSION

IA No. 192874/2019 - CLARIFICATION/DIRECTION

IA No. 46146/2021 - CLARIFICATION/DIRECTION

IA No. 4082/2021 - EXEMPTION FROM FILING O.T.

IA No. 123808/2020 - EXEMPTION FROM FILING O.T.

IA No. 46147/2021 - EXEMPTION FROM FILING O.T.

IA No. 46140/2021 - INTERVENTION/IMPLEADMENT)

Date : 05-05-2021 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. ABDUL NAZEER

HON'BLE MR. JUSTICE SANJIV KHANNA

By Courts Motion

For Petitioner(s) Mr. S.K. Kulkarni, Adv.  
Mr. M. Gireesh Kumar, Adv.  
Mr. Ankur S. Kulkarni, AOR  
Ms. Uditha Chakravarthy, Adv.

For applicant(s) Mr. D.P. Chaturvedi, Adv.

For Respondent(s) Mr. Prabhuling K. Navadgi, AG  
Mr. V. N. Raghupathy, AOR

Mr. D. K. Devesh, AOR

Mr. Balaji Srinivasan, AOR

UPON hearing the counsel the Court made the following  
O R D E R

(1) We have heard the learned counsel for the parties.

(2) Issue notice on I.A. No.55439 of 2021 to:

Sri Kodihalli Chandrashekar,  
"Renaissance Lanarat Apartment",  
No.102, 2<sup>nd</sup> Floor, 10<sup>th</sup> A Main Road,  
Near MES College, Malleshwaram,  
Bangalore - 560003

Notice as above to be served through the Commissioner of Police, Bangalore.

(3) Learned counsel for the State of Karnataka is permitted to inspect and make notes of the report submitted by Hon'ble Mr. Justice K.N Keshavanarayana, as per their request in I.A. No.56870 of 2021.

(4) In our Order dated 18.03.2021, we had observed as under:

"It appears that certain persons belonging to poor and middle-income groups have purchased house sites from the land owners whose lands have been notified for the acquisition for the formation of the lay-out in question, prior to the date of the judgment dated 03.08.2018. We are of the view that their grievances also require to be redressed. We are informed that similar grievances of the purchasers of the sites in other layouts formed by the Bangalore Development Authority have been redressed by the Bangalore Development Authority. The Commissioner, Bangalore Development Authority, is directed to place on record the mode and manner of redressal of the grievances of such site-holders adopted by the Bangalore Development Authority in the previously formed lay-outs within a period of four weeks from today."

(5) In compliance of the above order, the Commissioner, Bangalore Development Authority (B.D.A.), has filed an affidavit dated 12.04.2021 stating that in respect of the previous lay-outs formed

by the B.D.A. such as Anjanapura Layout, Sir M. Vishweshwaraiah Layout, Banashankari 6<sup>th</sup> Stage layout, the purchasers of the revenue sites in those lay-outs have been permitted to apply for allotment of sites measuring 30 ft. x 40 ft. even though the sites purchased by them are bigger in dimension. The affidavit also indicates the other conditions based on which the sites were allotted to the revenue site holders.

(6) In consideration of the above, we are of the view that the purchasers of sites in Dr. Shivaram Karanth Layout are entitled for allotment of sites provided that their purchase of such sites is prior to the date of the judgment i.e. 03.08.2018.

(7) The purchasers of the sites in Dr. Shivaram Karanth Layout are permitted to get themselves registered in the B.D.A. as applicants for allotment of sites under the Bangalore Development Authority (Allotment of Sites) Rules, 1984 ("B.D.A. Allotment of Site Rules") within 4 months from today.

(8) These purchasers should not be owning any other residential property in Bangalore and surrounding vicinity. They shall be bound by all the other terms and conditions for allotment of sites as per the B.D.A. Allotment of Site Rules.

(9) The General Power of Attorney holders and persons having an Agreement to Sell are not entitled for allotment of the sites.

(10) Purchasers of sites, through registered sale deeds, prior to 03.08.2018, are alone entitled for allotment of sites as per this order.

(11) The B.D.A. shall calculate the compensation payable to the applicants in respect of their acquired sites and give credit

accordingly by adjusting the same towards the allotment price for the sites to be allotted and call upon the applicants to pay the balance, if any.

(12) The allotment of sites is restricted to sites measuring 30 ft. x 40 ft. being the maximum extent irrespective of the measurement of their sites that have been acquired by the B.D.A.

(13) The applicants have to withdraw the cases filed by them, if any, challenging the acquisition of their lands, before filing an application with the B.D.A. in terms of this order.

(14) The purchasers of the sites are permitted to apply for allotment of sites to the B.D.A. along with self-certified photocopy of the title deeds on or before 17.09.2021. It is clarified that they need not pay the initial deposit. The documents submitted by the applicants along with their applications for allotment of sites in terms of this order shall be referred by the Commissioner, B.D.A., to a committee of retired District Judges comprising of a Chairman and two Members. The Committee so appointed shall examine the title deed of the applicants and submit a report as to the ownership of the sites to the Commissioner, B.D.A. The rival claim(s), if any, shall also be decided by the committee. The B.D.A. would allot sites only to those applicants who are duly certified by this Committee as the owners, subject to their satisfying other conditions of this order.

(15) The Committee in terms of this Order shall be appointed within a period of four months from today. The remuneration of the Chairman and the Members of this Committee may be fixed by the Commissioner, B.D.A., in consultation with the Chairman of the

Committee.

(16) The Commissioner, B.D.A., is directed to provide enough office space to the Committee in its head office, for its smooth functioning. The Commissioner, B.D.A., is also directed to provide secretarial assistance and other logistical support to the Chairman and the Members of the Committee.

(17) Some of the purchasers of the sites in the said lay-out have filed an application (I.A.NO.46146 of 2021) bringing to the notice of this Court that the B.D.A. had approved certain lay-outs in the notified lands prior to 03.08.2018 and that the developers have formed residential lay-out in compliance with all statutory regulations and sold the sites. Some of the purchasers of those sites have put up construction on the sites purchased by them. The Commissioner, B.D.A. in his affidavit dated 12.04.2021 has stated as under:

"Secondly, there are 17 layouts formed in 126 acres and these layouts are formed with due approval of B.D.A. under Section 32 of hkkB.D.A. Act. After forming layouts, the parks, open spaces and civic amenity areas have been relinquished in favour of B.D.A. as per law. Buildings have come up including high rise buildings. Valuations for these buildings will be enormous. Having regard to these aspects, B.D.A. would respectfully seek appropriate directions of this Hon'ble Court in this regard."

(18) It is clear from the above that certain lay-outs have been formed in accordance with the permission accorded by the B.D.A. under Section 32 of the B.D.A. Act before 03.08.2018 and that the lay-outs have been formed according to the plan approved by the B.D.A. The sites in these lay-outs have already been sold to different persons. We are of the view that it is just and proper

not to demolish constructions made in these lay-outs. Accordingly, we direct the B.D.A. not to acquire the lands where the lay-outs were approved and sanctioned before 03.08.2018. This, however, is subject to verification in terms of our directions given below.

(19) The developers of these lay-outs are permitted to file the documents in relation to approval of these lay-outs to the Justice A.V. Chandrashekar Committee within a period of three months from today. The B.D.A. is directed to furnish the files containing approval granted to these lay-outs to the Justice A.V. Chandrashekar Committee within a period of three months from today. We request the Justice A.V. Chandrashekar Committee to examine the approvals granted to these lay-outs and submit a report to this Court. The B.D.A. is directed to integrate these private lay-outs into the lay-out which is going to be formed by it i.e. Dr. Shivaram Karanth Layout. The fencing/boundary wall of these layouts, if any, shall be demolished by the B.D.A. while integrating these layouts as above.

(20) The purchasers of the sites or the persons who have built the houses in the sites purchased by them in these approved layouts need not apply as per paragraphs 6 to 14 of this order or as per our order dated 03.12.2020. However, the site owners in these approved layouts are liable to pay betterment tax in accordance with Section 20 of the B.D.A. Act to the B.D.A.

(21) We make it clear that the order made by us in paragraph Nos. 18 to 20 is not applicable to the 'unauthorised' lay-outs. The purchasers of the sites in 'unauthorised' lay-outs are permitted to apply for allotment of sites in accordance with paragraph 6 to 14

of this Order. If they have put up any construction on these sites, they are to be governed by our order dated 03.12.2020.

(22) At the first instance, we direct the B.D.A. to allot sites in Dr. Shivaram Karanth Layout to the applicants in accordance with this order, to the land owners who have opted for 60:40 scheme and incentive sites as per the Bangalore Development Authority (Incentive Scheme for Voluntary Surrender of Land) Rules, 1989. It is only thereafter that the B.D.A. would allot sites in accordance with the B.D.A. Allotment of Site Rules to the general public.

(23) The Commissioner, B.D.A. to file further Status Report on or before 04.06.2021. List the matter after the ensuing summer vacation.

(NEELAM GULATI)  
ASTT. REGISTRAR-cum-PS

(RENU BALA GAMBHIR)  
COURT MASTER (NSH)