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Court : Karnataka

Decided On : Dec-18-2014

Judge : The Honourable Mrs. Justice B.V. Nagarathna

Appeal No. : Writ Petition Nos. 58884-58896 of 2014 (KLR RES)

Appellant : Shanthakumari and Others

Respondent : State of Karnataka, Represented by its Principal Secretary and Others

Judgement :

(Prayer: These Writ Petitions are filed under Articles 226 and 227 of the Constitution of India praying to direct the respondents to consider the representations/memorandums given by the petitioners vide Annexures-A1 to A13 dated 4.1.2012 for grant of dwelling houses in their favour and etc.)

1. Learned Counsel for petitioners as well as learned Additional Government Advocate for respondents jointly submit that these writ petitions could be disposed in terms of order dated 2.12.2014 passed in W.P.Nos.55271- 55390/2014.

2. Submission is placed on record.

3. Petitioners have sought a direction to respondent - authority to consider their representations, which are at Annexures A1 to A13, for grant of dwelling houses in their names.

4. Petitioners claim to be permanent residents of Manjunathanagar, Nagasandra Post, Yeshwanihapura Hobli, Bengaluru North Taluk, Bengaluru Urban District. They state that they belong to Scheduled Caste, Scheduled Tribe and other backward communities and are engaged in skilled and unskilled labour and other manual work earning daily wages. They state that they have constructed sheds, huts and also small houses in Sy.No.85 of Bagalagunte Village, Bengaluru North Taluk in an extent of 34.10 acres, which land is owned by Government. They state that they are living in very deprived conditions and have no civic amenities such as roads, drainage, drinking water facility or electricity in the said area. Petitioners, who belong to socially and educationally backward classes of society, had made applications/representations, copies of which are at Annexures A1 to A3 to the writ petitions, seeking grant of land on which they have put up construction or dwelling houses in the aforesaid land. Annexure 'A1' representation is dated 4.1.2012. The said application is made under Section 94-C of the Karnataka Land Revenue Act, 1964. The grievance of petitioners is that their applications and representations have not yet been considered till date. Hence, a direction is sought in that regard.

5. I have heard learned counsel for petitioners and learned Additional Government Advocate for respondents and perused the material on record.

6. During the course of submission, learned Additional Government Advocate has brought to my notice the fact that Section 94-C of Karnataka Land Revenue Act, 1964 has been amended and that the amended provision has been notified on 11.07.2013 and that petitioners would have to make fresh applications giving details as stated in Section 94-C of the Act and if such applications are made they would be considered in accordance with law. He therefore stated that the representations already made by petitioners which are at Annexures A1 to A13 would now be redundant and therefore, if petitioners make fresh representations as per Section 94-C of the said Act, then they would be considered in accordance with law.

7. Learned Counsel for petitioners also states that Karnataka Grant of Land in case of Construction of Dwelling Houses in Occupied Lands Rules, 1999 has also been enforced and those Rules would also have to be read and applied, while considering the applications to be made by petitioners under Section 94-C of the said Act.

8. As the present applications - Annexures A1 to A13 have been made prior to amendment of Section 94-C in the year 2013, it would be futile to issue directions to the respondents to consider those applications, instead liberty is reserved to petitioners to make fresh applications in terms of the amended Section 94-C of the Act and aforesaid Rules. If such applications are made, then respondents are directed to consider those applications in light of Section 94-C of the Act and Rules applicable thereto and in accordance with law and pass a speaking order thereon.

9. It is needless to observe that respondents - authorities would bestow their attention to the applications to be filed by petitioners in an expeditious manner as petitioners are making their representations in respect of their shelter, which is a basic human right and a right envisaged under Article 21 of the Constitution.

10. With the aforesaid observations and directions, these Writ Petitions stand disposed.

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