

Smt V Revathi vs the Commisioner

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Court : Karnataka

Decided On : Dec-02-2025

Judge : K.S. Hemalekha

Appeal No. : WP/13171/2024

Appellant : Smt V Revathi

Respondent : The Commisioner

Judgement :

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IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 2ND DAY OF DECEMBER, 2025 BEFORE THE HON'BLE MRS. JUSTICE K.S. HEMALEKHA WRIT PETITION NO.13171 OF 2024 (BDA) BETWEEN: SMT. V. REVATHI W/O LATE T. VENU, AGED ABOUT 65 YEARS, RESIDING AT NO.12 K.S. LANE, ULSOOR PET CROSS, BENGALURU-560 002. PETITIONER (BY SRI SURESH S., ADVOCATE) AND:

1. THE COMMISSIONER,

BENGALURU DEVELOPMENT AUTHORITY, T. CHOWDAIAH ROAD, Digitally signed by KUMARA PARK WEST, MAHALAKSHMI B M BENGALURU-560 020. Location: HIGH COURT OF KARNATAKA 2. THE ASSISTANT SECRETARY-3, BENGALURU DEVELOPMENT AUTHORITY, T. CHOWDAIAH ROAD, KUMARA PARK WEST, BENGALURU-560 020. RESPONDENTS (BY SRI KARTHIKEYAN B.S., ADVOCATE) THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227

OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER

BEARING NO. BDA/AS-3/NPKG/B3-SA-567/2022-23 DATED ALLOTMENT OF SITE BEARING NO. B3-SA-567 IN NADAPRABHU -2- KEMPEGOWDA LAYOUT MEASURING 20 X 30 FEET (EWS) UNDER BACKWARD CATEGORY - 2A MADE IN FAVOUR OF THE PETITIONER HEREIN VIDE ANNEXURE-A AND ETC. THIS PETITION COMING ON FOR PRELIMINARY HEARING IN B GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER: CORAM: HON'BLE MRS. JUSTICE K.S. HEMALEKHA

ORAL ORDER

The petitioner has called in question the order dated 13.12.2022 passed by respondent No.2-Bengaluru Development Authority (BDA), canceling the allotment of site bearing No.B3-SA-567 in Nadaprabhu Kempegowda Layout, measuring 20x30 feet (EWS) allotted under backward category-2A and further direction to the respondents to consider the representation made by the petitioner dated 15.12.2022 (Annexure-M) and complete all the formalities including execution of lease-sum-sale agreement and delivery of possession.

2. Heard learned counsel for the petitioner and learned counsel for the respondents-BDA. -3- Brief facts:

3. The petitioner had applied for allotment of a

site measuring 6 x 9 meters (20 x 30 feet) under backward category-2A. Pursuant thereto, the BDA allotted the subject site in her favour 21.12.2016, upon payment of the initial deposit of `65,500/- and an allotment letter was issued accordingly. As per Rule 13(1) of the Bengaluru Development Authority (Allotment of Sites) Rules, 1984 (Rules, 1984 for short), the petitioner was required to pay the balance sital value within a period of three years from the date of allotment. Admittedly, the said period expired on 21.12.2019.

4. The petitioner paid the balance sital value in

installments only on 02.09.2020, 11.09.2020 and finally on 30.09.2020 i.e., beyond the prescribed period. Consequently, the impugned order canceling the allotment came to be passed. -4- Contention of the petitioner:

5. Learned counsel for the petitioner submits that

the delay occurred on account of the extraordinary circumstances, as the petitioners husband succumbed to COVID-19, leaving her in financial distress. It is contended that once the respondents issued show cause notice demanding payment, the petitioner bonafide believed that the allotment would be regularized and accordingly deposited the entire amount. Contention of the respondents:

6. Per contra, learned counsel for the respondents

reliance on the judgment of the Apex Court in The Commissioner, Bengaluru Development Authority Vs. T. Seetharamappa (dead) Through LRs.1 (T. Seetharamappa), submitted that belated payment beyond the period stipulated under Rule 13(1) of the Rules, 1984 cannot be accepted, even with interest. It is further contended that the period for payment had expired C.A.No.6809-6810/2025 D.D. 14.05.2025 -5- prior to the outbreak of the COVID-19 pandemic, and therefore no benefit can be claimed on that ground. Consideration and Findings:

7. This Court has carefully considered the rival contentions urged by the learned counsel for the parties. Perused the material on record.

8. The facts relating to allotment, the date of expiry of the three years period, and the belated payment of the balance sital value are undisputed.

9. Rule 13(1) of the Rules, 1984, mandates

payment of balance sital value within three years from the date of allotment, subject only to a limited extension as contemplated therein. In the present case, the balance amount was deposited nearly nine months after expiry of the statutory period. -6-

10. The Apex Court in T. Seetharamappas case stated supra has observed at paragraph Nos.9, 10, 11 and 12, as under:

9. At the same time, learned counsel for the BDA relied upon the Order dated 11.04.2022, passed by a coordinate Bench of this Court in Civil Appeal No. 2884 of 2022 (The Bangalore Development Authority vs. Gundappa R.), where in identical circumstances, this Court has held as follows: "11. Rule 13(1) of the Rules mandates the allottee to deposit sital value deducting the initial deposit. The appellant could extend time for payment for a further period not exceeding sixty days as a final chance along with additional interest. Since the writ petitioner failed to deposit the amount within the stipulated period, therefore, there is no corresponding obligation on the appellant to allot an alternative site to the writ petitioner. If the writ petitioner was being transferred from place to place, it was his duty to keep the appellant informed about his change of address on which he could be communicated. The appellant had no duty

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to find out the address of the writ petitioner. The sole duty to communicate the address, his place of posting etc. was on the writ petitioner alone. In the absence of any proof of change of address, the writ petitioner has lost his right of allotment of the said site and also to claim any alternative site.

10. Though learned counsel for the

respondents has earnestly attempted to distinguish the cited decision, however, we find that the issue involved in this set of appeals is broadly similar to the one resolved by this Court in the cited decision. Independently thereof also, we see no valid justification for the respondents not to pay even the nominal allotment price and/or to sit at home silently for over six years and then approach the High Court for obvious reasons of hike in market value.

11. That being so, we are inclined to maintain

consistency. The instant appeals are, accordingly, allowed; the impugned judgments of the learned Single Judge and that of the Division Bench of the High Court are set aside.

12. The amount, if any, deposited by the respondents is ordered to be refunded to them within a period of two months, along with interest at -8- the rate of 7% per annum, from the date of deposit till actual payment thereof.

11. The Apex Court in T. Seetharamappas case

has held that failure to deposit the sital value within stipulated period results in loss of the right of allotment and that the BDA is under no obligation to regularize such belated payments.

12. The plea based on COVID-19 hardship cannot be accepted, as the statutory period for payment had already expired on 21.12.2019, much prior to the onset of pandemic.

13. In view of settled legal position, this Court finds

no infirmity or illegality in the impugned order dated 13.12.2022 warranting interference. The respondent- authority shall, while issuing show-cause notices demanding payment of sital value, ensure that such demand is raised strictly within the period of three years -9- stipulated under Rule 13 of the Rules, 1984. Accordingly, this Court pass the following:

ORDER

i. The writ petition is disposed of. ii. The impugned order dated 13.12.2022 passed by respondent No.2 does not warrants any interference. iii. The respondent-BDA is directed to refund the amount deposited by the petitioner together with interest at the rate of 7% per annum from the date of receipt of the amount till the payment is made, within two months form the date of receipt of certified copy of this order. iv. Ordered accordingly. Sd/- _____ JUSTICE K.S. HEMALEKHA AT List No.: 1 SI No.: 29

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