

G a Sumangala vs the Commissioner

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Court : Karnataka Orders

Decided On : Mar-28-2025

Judge : M.G.S. Kamal

Appeal No. : WP/11903/2020

Appellant : G a Sumangala

Respondent : The Commissioner

Judgement :

-1-

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF MARCH, 2025 BEFORE THE HON'BLE MR JUSTICE M.G.S. KAMAL WRIT PETITION NO. 11903 OF 2020 (BDA) BETWEEN: G. A. SUMANGALA AGED ABOUT 73 YEARS, W/O G AMARENDRAKUMAR NO.399, TOWN WATER TANK ROAD, TIPTURU TOWN TUMKURU DISTRICT - 577 001. PETITIONER (BY SRI. MUKKANNAPPA S B, ADVOCATE) AND:

1. THE COMMISSIONER

BANGALORE DEVELOPMENT AUTHORITY T. CHOWDAIAH ROAD, KUMARA PARK WEST Digitally BANGALORE - 560 020. signed by SUMA B N Location: 2.

K S N MURTHY HIGH COURT OF AGED ABOUT 59 YEARS, KARNATAKA S/O LATE N KRISHNASWAMY R/A NP.38, 4TH MAIN ROAD, 2ND CROSS, SRINIDHI LAYOUT, CHUNCHAGATTA BANGALORE - 560 058.

3. J. BABU

AGED ABOUT 42 YEARS S/O K JANARDHANA RAJU R/A NO.29, 12TH MAIN, PUTTENAHALLI -2- KOTHNURU MAIN ROAD 7TH PHASE, J P NAGAR BANGALORE - 560 078 RESPONDENTS (BY SRI. GIRISHA N.R, ADVOCATE FOR R1; SRI. H. JAYANTH POOJARY ADVOCATE FOR R3; R2-SERVICE OF NOTICE HELD SUFFICIENT V/O DATED 19.04.2021) THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TODIRECT THE R-1 TO WITHDRAW THE ALLOTMENT LETTER DATED 08.02.2019 AT ANNEXURE-G AND POSSESSION

CERTIFICATE DATED 15.02.2019 AT ANNEXURE-J AND CONSEQUENTLY CANCEL THE SALE DEED DATED 14.02.2019 EXECUTED BY THE R-1 IN FAVOUR OF THE R-2 AT ANNEXUREH AND CONSEQUENTLY RESTORE THE POSSESSION OF SITE BEARING NO.547/B, KOTHANUR VILLAGE, UTTARAHALLI HOBLI, BANGALORE SOUTH TALUK, PRESENTLY KNOWN AS J P NAGAR, 8TH PHASE II BLOCK BANGALORE TO THE PETITIONER FORTHWITH UNDER THE FACTS AND CIRCUMSTANCES OF THE CASE. THIS PETITION, COMING ON FOR FURTHER HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER: CORAM: HON'BLE MR JUSTICE M.G.S. KAMAL -3-

ORAL ORDER

Learned counsel for the petitioner and respondents after arguing the matter for some time submit in unison that in terms of the resolution dated 27.02.2023 passed by the respondent-BDA vide Subject No.65/2023, respondent -BDA has resolved that in terms of Section 38 of the Bangalore Development Authority Act, 1976, the petitioner herein namely, Smt.G.A.Sumangala would be allotted an alternate site measuring 30 X 40 ft., within the J.P.Nagar 8th Phase Layout formed by the respondent-BDA subject to petitioner herein executing a

release/relinquishment deed in respect of site bearing No.547B.

2. Learned counsel for the petitioner submits that the

petitioner would, in the event of respondent -BDA allotting alternate site and confirming the number and identity of the site, do the requisite by executing the release deed in favour of the respondent -BDA.

3. In response, learned counsel for the respondent -

BDA submits that necessary steps would be taken to identify and allot alternate site as per the resolution referred to above -4- and requisites will be done including executing deeds of conveyance in favour of the petitioner.

4. Submission is taken on record.

5. In that view of the matter, petition is disposed of

with a direction to the respondent -BDA to implement the resolution as noted above, within an outer limit of eight (8) weeks from the date of receipt of certified copy of this order.

6. Needless to clarify simultaneously on execution of

necessary documents/deeds by BDA in favour of the petitioner, petitioner shall also execute deeds of relinquishment relinquishing the site bearing No.547B, in favour of the respondent -BDA. Sd/- (M.G.S. KAMAL) JUDGE RU, List No.: 1 Sl No.: 11

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