

Vivekanand V.P. Vs. the Commissioner, Bangalore Development Authority and ors.

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SooperKanoon Citation : sooperkanoon.com/372432

Court : Karnataka

Decided On : Jan-19-2005

Reported in : ILR2005KAR5149; 2005(2)KarLJ195

Judge : R. Gururajan, J.

Acts : Bangalore Development Authority Act, 1976 - Sections 69; [Constitution of India](#) - Article 12

Appeal No. : Writ Petition No. 43598 of 2004

Appellant : Vivekanand V.P.

Respondent : The Commissioner, Bangalore Development Authority and ors.

Advocate for Def. : K. Krishna, Adv. for Respondents-1 and 2 and ;K. Sridhar, High Court Government Adv. for Respondent-3

Advocate for Pet/Ap. : N.R. Naik and Associates

Disposition : Petition allowed

Judgement :

ORDER

R. Gururajan, J.

1. The matter is taken up for final disposal with the consent of the learned Counsel.
2. It is rather unfortunate that despite the Court telling the authorities not to pass cyclostyled orders, the same is being continued despite orders by this Court in various circumstances in various cases. This is one such case where B.D.A. has chosen to pass a cyclostyled order in the matter.
3. According to the petitioner, he filed an application seeking for a site. Site No. 401, Jnana Bharathi Layout, Block No. II, Nagadevanahalli measuring 20' x 30' was allotted to him. Petitioner belongs to Adi Karnataka Community and belongs to Scheduled Castes Category. He was allotted the said site on priority basis on account of his community. Petitioner deposited Rs.10,000/-, thereafter he sought for time to pay the remaining amount. Petitioner was issued a show-cause notice in terms of Annexure-C. Petitioner thereafter sent a D.D. of Rs. 27,550/- in terms of Annexure-D. Authorities returned the said D.D. Petitioner made one more representation along with the D.D. Respondent again returned the D.D. vide Annexure-H. It is under these circumstances, the petitioner is before me.
4. Heard the learned Counsels appearing for the respective parties and perused the material placed on record.
5. Admittedly, there are several representations/requests made by the petitioner in terms of the material available on record. This Court has come across several cases where the authorities are issuing cyclostyled letters without even referring to the representations/requests made by the allottees. Whether those representations/objections are acceptable or not is a different question. At least the representations/requests are to be considered by the authorities. The authority is admittedly a State authority under Article 12 of the [Constitution of India](#). They are supposed to apply their mind and thereafter pass orders. Such cyclostyled orders are nothing but arbitrary orders without the application of mind.

6. I recently had occasion to consider a cyclostyled order passed by KSRTC. After noticing earlier orders, I have passed an order reported in V. Mahadeva v. The Managing Director, Karnataka State Road Transport Corporation, Central Offices, Bangalore and Anr., : ILR 2004 KAR3852 . In the said case, I have expressed my displeasure in the matter. The present order is fully covered by the reasons in terms of my order in Mahadeva's case. In the given circumstances, once again expressing my displeasure, I deem it proper to allow this petition.

7. Accordingly, the petition is allowed. Annexure-J is set aside. Matter is remitted back for reconsideration by the respondents. Respondents are directed to consider the representation submitted by the petitioner and thereafter apply their mind and pass orders in accordance with law. Time for completion of proceedings is eight weeks from the date of receipt of a copy of this order.

8. These orders are being passed by subordinate officials to the Commissioner, B.D.A. Probably, the Commissioner is not aware of such cyclostyled orders. In the circumstances, I deem it proper to direct the office of this Court to send a copy of this order to the Commissioner and the learned Counsel for the respondents is also directed to provide a copy to the Commissioner in the matter for needful action.

9. In the given set of circumstances, petitioner is entitled for costs. However, Sri Abdul Khader, learned Counsel assures me that remedial action would be taken in the matter. He persuades me not to impose costs. His persuasion prevents me from imposing costs.

Ordered accordingly.

Sri L. Sridhar, learned Government Pleader is directed to file his memo of appearance for the State within four weeks.