

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 MA No.1346-1348/2019 in C.A. No. 7661-7663/2018

BANGALORE DEVELOPMENT AUTHORITY & ANR.

Petitioner(s)

VERSUS

STATE OF KARNATAKA & ORS.

Respondent(s)

(IA No. 46142/2021 - APPLICATION FOR PERMISSION
IA No. 55439/2021 - APPLICATION FOR PERMISSION
IA No. 56870/2021 - APPROPRIATE ORDERS/DIRECTIONS
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. 55440/2021 - EXEMPTION FROM FILING O.T.
IA No. 46147/2021 - EXEMPTION FROM FILING O.T.
IA No. 67060/2021 - EXTENSION OF TIME
IA No. 46140/2021 - INTERVENTION/IMPLEADMENT)

Date : 14-07-2021 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 Respondent(s)

Mr. Prabhuling K.Navadgi, AG
Mr. V. N. Raghupathy, AOR

Mr. D. K. Devesh, AOR

Ms. Anuradha Mutatkar, 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. For the reasons set out in I.A. No. 67060 of 2021, time for submission of the Report by the Justice A.V. Chandrashekar Committee is extended till 31.03.2022.

(2) In our order dated 3rd December, 2020, we had observed as under:

"To ensure that in the interregnum and from now onwards no further constructions come up, the Commissioner, BDA, would undertake exercise for satellite imaging of the area in question for identifying and noting the constructions as they exist. The said exercise would be undertaken within a period of three days from the date of receipt of a copy of this order. This exercise would be repeated periodically every month and in case any new constructions are noticed, they would be brought to the notice of the Committee and action, including demolition etc., would be undertaken."

(3) It appears that despite the above order, new constructions are coming up in the land proposed for acquisition to Dr. Shivaram Karanth Layout. BDA is directed to stop further constructions in the said layout with immediate effect and the above direction shall be implemented strictly by the BDA. It is made clear that buildings constructed after 03.08.2018 cannot be regularised and are liable to be demolished.

(4) We direct the State Government to depute additionally one Executive Engineer (EE), two Assistant Executive Engineers (AEE) and four Assistant Engineers (AE) to the BDA within a period of 15 days from today.

(5) It is clear from the Status Report dated 2nd June, 2021 that BDA has not taken possession of any land so far. We direct the BDA to speed up the acquisition proceedings. BDA to file latest Status Report within a period of two weeks from today.

(6) In our order dated 05.05.2021, we had requested Justice A.V. Chandrashekar Committee to examine the approval granted to the private layouts formed in the lands proposed for acquisition for the formation of Dr. Shivaram Karanath layout. The Committee after examination of the records submitted by the BDA alongwith check-list and joint inspection reports has submitted a report dated 09.07.2021, certifying that the following layouts have been formed after appropriate permission from the BDA :

1. A Layout in Sy. Nos. 62P 1 and 27 measuring 17 acres 30 guntas in Jarakbande Kaval Village and Kempanahalli Village, Yelahanka Hobli, Bangalore North Taluk.

2. Layout in Sy. Nos. 55/2, 55/3, 55/4, 56/1, 56/2, 56/3 measuring 9 acres 9 guntas in Ramagondanahalli Village, Yelahanka Hobli, Bangalore North Taluk.

3. A Layout in Sy. Nos. 53 & 54/2 measuring 12 acres 28 guntas in Ramagondanahalli Village, Yelahanka Hobli, Bangalore North Taluk.

4. Layout in Sy. Nos. 37/5, 37/6, 37/7 & 37/8 measuring 3 acres 5.88 guntas of Veerasagara Village, Yelahanka Hobli, Bangalore North Taluk.

5. Layout in Sy. Nos. 27/2A, 27/1, 44, 45/1 and 45/2 measuring 9 acres 19 guntas of Doddabettahalli Village,

Yelahanka Hobli, Bangalore North Taluk.

6. Layout in Sy. Nos. 34P, 35/1P, 35/2P, 39/2AP, 39/2BP, 39/3, 40/1P, 40/2P and 42 measuring 13 acres 38 guntas of Byalakere Village, Hesaraghatta Hobli, Bangalore North Taluk.

7. Layout in Sy. Nos. 75, 76/3, 76/4, 77P1, 78/5 and 109/1 measuring 14 acres 36 guntas of Avalahalli Village, Yelahanka Hobli, Bangalore North Taluk.

8. Layout in Survey Number 43/3 measuring 1 acre 02 guntas in Doddabettahalli Village, Yelahanka Hobli, Bangalore North Taluk.

9. Layout in Survey Number 27 measuring 06 acres 22 guntas of Shyamarajapura Village, Yelahanka Hobli, Bangalore North Taluk.

10. Layout in Sy. Nos. 35/1, 36/2, 37/2 & 40/1 measuring 04 acres 07 guntas in Byalakere village, Hesaraghatta Hobli, Bangalore North Taluk.

11. Layout in Survey Number 43/2 measuring 38 guntas of Doddabettahalli Village, Yelahanka Hobli, Bangalore North Taluk.

12. Layout in Sy. Nos. 70P and 71P measuring 6 acres 15.82 guntas of Avalahalli Village, Yelahanka Hobli, Bangalore North Taluk.

13. Layout in Sy. Nos. 66(P) and 70(P) measuring 13 acres 12.62 guntas of Avalahalli Village, Yelahanka Hobli, Bangalore North Taluk.

(7) In view of the above, the BDA is restrained from acquiring the aforesaid lands for the formation of Dr. Shivaram Karanth layout. However, the purchasers of the sites in these layouts and the developers/land-owners of these layouts are bound by the directions contained in our order dated 05.05.2021.

(8) List these matters on Thursday, the 29th July, 2021.

(NEELAM GULATI)
AR-CUM-PS

(ANITA MALHOTRA)
COURT MASTER

(KAMLESH RAWAT)
COURT MASTER