



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 26TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE M.G.S. KAMAL

REGULAR FIRST APPEAL NO. 360 OF 2003 (DEC)

BETWEEN:

R. MUNIRAJU,
S/O. LATE RAMAIAH,
AGED ABOUT 72 YEARS,
R/AT NO.1, RAMA NILAYA
ITTAMADU MAIN ROAD
BENGALURU-560 061.

...APPELLANT

(BY SRI. V.B. SHIVAKUMAR, ADVOCATE)

AND:

1. SRI. T. BALAKRISHNA NAIDU
S/O. T. RANGAPPA NAIDU,
MAJOR, R/AT NO.18,
SY.NO.2, KATHRIGUPPE ROAD,
BANASHANKARI III STAGE, BENGALURU
SINCE DEAD BY LR_s
- 1(a) SMT. PADMAMMA
W/O. LATE SRI. BALAKRISHNAN NAIDU,
NO.18, SY.NO.2, KATHRIGUPPE ROAD,
BANASHANKARI 3RD STAGE, BENGALURU-560 085.,
- 1(b) MR. GIRI
S/O LATE SRI. BALKRISHNAN NAIDU,
SY.NO.2, KATHRIGUPPE ROAD,
BANASHANKARI III STAGE, BENGALURU-560 085,
SINCE DEAD BY LR_s
- 1(b)(i) SMT. ROHINI
W/O LATE T. GIRI, AGED ABOUT 36 YEARS
NO.101, SRI VSTANKA, 2ND MAIN,
2ND CROSS, REFLEX HOUSING SOCIETY
MYLASANDRA, BENGALURU-560 060
- 1(b)(ii) MS. BHAGYA
D/O SRI. LATE GIRI, AGED ABOUT 16 YEARS
NO.101, SRI VSTANKA, 2ND MAIN,
2ND CROSS, REFLEX HOUSING SOCIETY
MYLASANDRA, BENGALURU-560 060

** Page no.1 is retyped and replaced vide chamber order dated 21.07.2026*





- 1(b)(iii) SRI. YASHWANTH
S/O LATE GIRI, AGED ABOUT 11 YEARS
NO.101, SRI VSTANKA, 2ND MAIN,
2ND CROSS, REFLEX HOUSING SOCIETY
MYLASANDRA, BENGALURU-560 060
- 1(c) SMT. SRIDEVI,
D/O LATE SRI. BALAKRISHNAN NAIDU,
W/O. SRI. SUBRAMANYA NAIDU,
AGED ABOUT 33 YEARS,
R/AT NO.215, "SRISHA"
3RD MAIN ROAD, RAMANJANEYA NAGAR
CHIKKALASANDRA UTTARAHALLI
BENGALURU-560 061
2. SMT. H.T. SHANTHA BAI,
W/O SRI. H.T.S RAO,
MAJOR, NO.295, 16TH CROSS,
PALACE UPPER ORCHARDS, BENGALURU-560 080.
3. THE STATE OF KARNATAKA,
VIDHANA SOUDHA, DR. B.R. AMBEDKAR VEEDHI,
BANGALORE-560 001.
4. MUZURAI DEPARTMENT,
MARAMMA DEVARU, NO.2, 3 FLOOR
MAHADESHWARA VARTHA BHAVAN,
VENKATARAO ROAD,
CHAMARAJPET, BANGALORE-560 018.
5. THE COMMISSIONER,
BANGALORE DEVELOPMENT AUTHORITY,
KUMARA PARK WEST, T. CHOWDAIAH PARK,
BANGALORE-560 020.

...RESPONDENTS

(BY SRI. R. NAGENDRA NAIDU, ADVOCATE FOR R1(A) TO (C);
SRI. OJASWI, ADVOCATE FOR R1(C);
V/O DATED 19.11.2025, NOTICE TO R2 IS HELD SUFFICIENT;
MS. AMARAVATHI H.R., AGA FOR R3 AND 4;
SRI. VENUGOPAL GOWDA. R., ADVOCATE A/W SRI. MURUGESH V. CHARATI,
ADVOCATE FOR R5;
V/O DATED 17.12.2025, R1(B) (1 TO 3) SERVED THROUGH PAPER
PUBLICATION.)

THIS RFA IS FILED UNDER SECTION 96(1) OF CPC AGAINST THE
JUDGMENT AND DECREE DT. 9.1.03 PASSED IN O.S.NO.955/88 ON THE FILE OF
THE IX ADDL. CITY CIVIL AND SESSIONS JUDGE, BANGALORE, (CCH-2),
DISMISSING THE SUIT FOR DECLARATION, POSSESSION, PERMANENT
INJUNCTION, MANDATORY INJUNCTION AND PAST AND FUTURE MESNE
PROFITS.

THIS APPEAL, COMING ON FOR FURTHER HEARING, THIS DAY,
JUDGMENT WAS DELIVERED THEREIN AS UNDER:

** Page no.2 is retyped and replaced vide chamber order dated 21.07.2026*



CORAM: HON'BLE MR. JUSTICE M.G.S. KAMAL

ORAL JUDGMENT

This appeal is by the plaintiff in O.S.No.955/1988 being aggrieved by the judgment and decree dated 09.01.2003 on the file of IX Additional City Civil and Sessions Judge, Bengaluru City, by which the suit of the plaintiff for declaration, possession, permanent injunction and for mandatory injunction with future mesne profits, came to be dismissed.

2. Case of the plaintiff is that the suit property is being a site bearing No.18 situated in Vidyapeetanagar Layout forming part of Sy.No.2 of Katriguppa Village, which is now called as Banashankari III Stage, bounded on East by: Property belonging to the plaintiff; West by: Road; North by: Property belonging to the plaintiff and South by: Katraguppa road, measuring East to West 97 feet, Northern side 110 feet and on Southern side, North to South 10 feet on the Eastern side 40 feet on the Western side, absolutely belonged to the plaintiff having purchased the same in terms of deed of sale dated 30.01.1987 along with site Nos.12, 13 and 19 from one Smt. Bhagavathi Raghavan W/o V.R.V. Raghavan.



3. That the suit property originally was part and parcel of land in Sy.No.2 measuring 2 acres 6 guntas of Katriguppa village, Uttarahalli Hobli. The said land earlier belonged to one K. M. Gopala Reddy, who was the Khatedar having been recognized under the Provisions of Inam Abolitions Act. The said K. M. Gopala Reddy had conveyed the entire property in favour of defendant No.2 under a registered Sale deed dated 28.01.1963. Defendant No.2 had executed power of attorney on 08.05.1963 in favour of her husband H.T.S. Rama Rao, who had formed a residential layout consisting of several sites in the entire extent of 2 acres 6 Guntas of land. Defendant No.2 sold Site Nos. 12, 13 and 19 and the suit property bearing Site No.18 in favour of Smt. Bhagavathi Raghavan, who is the vendor of the plaintiff in terms of the deed of sale dated 29.08.1963 and had put her in possession of the suit property. The revenue records were mutated in the name of said Smt. Bhagavathi Raghavan and she was paying taxes thereof.

4. Defendant No.2 had received the sale consideration prior to execution of the sale deed in favour of said Smt.Bhagavathi Raghavan, the plaintiff's vendor. In the year



1983, Smt.Bhagavathi Raghavan had entered into agreement with the plaintiff and had also executed a registered general power of attorney and had put the plaintiff in possession of the suit property. Plaintiff had put up structures and had developed the suit property.

5. Defendant No.1 without having any manner of right or interest, had attempted to interfere with the peaceful possession of the suit property constraining the plaintiff to file a suit in O.S.No.975/1983 and obtain an interim order of injunction. Defendant No.1 had filed a Miscellaneous Appeal in MFA.No.952/1984 which was dismissed for default. Defendant No.1 had claimed to be in possession of the suit property on the basis of an agreement alleged to have been executed by the husband of defendant No.2 and had also denied the title of the plaintiff in respect to suit property. Defendant No.1 could not have derived any right and interest over the suit property.

6. In the meanwhile, a notification dated 25.11.1971 came to be issued by the Bangalore Development Authority for formation of Banashankari III Stage in terms of the scheme approved by the Government by its order dated 18.03.1971.



Though the scheme was published as contemplated under the Provisions of Bangalore Development Authorities Act, 1976 the same could not be executed within the period of 5 years as the entire land in the said survey number was built up and the scheme had thus lapsed. Therefore, BDA had no authority to claim any title, interest over the suit property. Under the circumstances, the plaintiff filed the present suit for declaration and consequential relief of injunction.

7. Defendant Nos.1 and 3 appeared and filed separate written statement. Defendant No.4 was placed ex-parte. Defendant No.2 in written statement alleged that the plaintiff is not the owner of the suit property. As the vendor of the plaintiff did not have any right, title and interest over the suit property. Therefore, the plaintiff did not derive any right, title, interest or the possession of the suit property. The plaintiff's vendor had never exercised any right over the suit property. Defendant No.2 continued to be in continuous possession and enjoyment of the suit property which has been upheld in the MFA.Nos.951 and 952/1984. Defendant No.2 has thus perfected the title by adverse possession. The defendant No.3/BDA had acquired the



suit property and the defendant No.2 made application for reconveyance of the suit property, considering the fact of his undisturbed possession over the suit property for over 25 years, the sale deed being relied upon the plaintiff is void and plaintiff has not derived any right or interest on the property.

8. Defendant No.2 contended that the sale deed which was executed in the name of Smt. Bhagavathi Raghavan was null and void. The suit land had been acquired by defendant No.3 in the year 1980 and the final award had been passed by the Land Acquisition Officer and in that award, defendant No.2 was directed to hand over the physical possession of the property on 14.11.1980. Defendant No.2 had thus handed over the possession to the BDA on 14.11.1980 as per Ex.D5 and therefore, BDA was the necessary party. It is alleged that the physical possession of property was never handed over to Smt. Bhagavathi Raghavan at any point of time. The sale deed alleged to have been executed by K.M. Gopal Reddy in favour of defendant No.2 and sale deed executed by defendant No.2 in favour of Smt. Bhagavathi Raghavan, the vendor of the plaintiff are all null and void. Hence, sought for dismissal of the suit.



9. Defendant No.3 is BDA, who was subsequently impleaded, filed written statement questioning the maintainability of suit for want of statutory notice under Section 64 of the BDA Act, 1976. It is alleged that land in Sy.No.2 of Katriguppa Village, measuring 2 acres and 6 guntas in which the suit property is situated has been notified for acquisition by erstwhile CITB for formation of BSK III stage layout vide Preliminary notification dated 09.05.1968 and the final notification dated 28.10.1971. The notified Kathedar was H.T.S. Shantha Bai W/o. H.T.S. Rao and anubavadar was Venkatachalapathy. The award had been passed by the SLAO, which was approved by the Special Deputy Commissioner, BDA on 16.10.1980. Possession of entire extent of land measuring 2 acres 6 guntas including the suit property had been taken over by defendant No.3/BDA on 01.04.1981. Compensation amount has been deposited in the Court on 23.04.1982 in terms of Section 30 and 31(2) of Land Acquisition Act. The award notices have been served on the notified Kathedars. Thus, defendant No.3/BDA became the absolute owner in possession by virtue of valid acquisition and taking over the possession of the entire land in Sy.No.2 of Katriguppa village. Therefore,



neither the plaintiff nor the other defendants have any right, title or interest over the suit property. Hence, sought for dismissal of the suit.

10. The trial Court framed the following issues and additional issues as under:

- "i. Whether the plaintiff proves his title to the suit schedule property, at Survey No.2 was Inam land and the occupancy rights were given to K.M. Gopala Reddy by Special Deputy Commissioner by his order dated 25.1.1960 and K.M. Gopala Reddy sold it to the 2nd defendant by a registered sale deed dated 8.1.1963 and the 2nd defendant's husband formed private layout and site Nos. 12,13,18 and 19 were sold to Smt. Bhagavathi Raghavan by a sale deed dated 29.5.1963 and the husband of 2nd defendant executed a Power of Attorney and agreement to sell in favour of the plaintiff dated 21.3.1983 and gave possession also to plaintiff and the plaintiff and put structure also as alleged?*
- ii. Whether the plaintiff proves his lawful possession of the suit property till 14.1.1987 and that plaintiffs vendor Smt. Bhagavathi Raghavan had filed suit against the first defendant in O.S.No.975/83 and Temporary Injunction was granted and the same was vacated in MFA 952/84 on 14.1.1987 and thereafter the first defendant trespassed in February 1987 and put up temporary structures as alleged?*
- iii. Whether the plaintiff proves that having put up construction had leased the godown on rental of Rs.300/- per month and therefore he is entitled for mesne profits from February 1987 as claimed?*
- iv. Whether the plaintiff proves that the 2nd defendant has created and concocted an agreement of sale in favour of 1st defendant dated 15.9.1983, subsequently to plaintiffs transaction and therefore it is not binding on him as alleged?*



- v. Whether the defendants prove that the sale deed in favour of Smt. Bhagavathi Raghavan dated 28.1.83 by Gopala Reddy and the agreement dated 29.5.83 in favour of the plaintiff by the husband of 2nd defendant and so also the sale deed by Smt. Bhagavathi Raghavan dated 30.1.1987 in favour of plaintiff are all null and void as violative under Urban Ceiling Act and as no sales could be effected of revenue sites as alleged ?*
- vi. Whether the defendants prove that the occupancy right in favour of Gopal Reddy by Special Deputy Commissioner was set aside and the same was granted to Maramma Devaru by order dated 20.5.1968 as alleged ?*
- vii. Whether the defendants prove that the first defendant was in actual possession of site Nos. 12 and 19 right from the date of agreement of sale in his favour viz., from 1963 till the BDA acquired and took possession in 1980 as alleged?*
- viii. Whether the defendants prove that Smt. Bhagavathi Raghavan was not given possession at any time and so also Smt. Bhagavathi Raghavan had not given possession to plaintiff and these facts are concluded in MFA 952/84 and in Writ Petition filed by the defendant against BDA not to demolish the structure in 1987 and hence the suit is hit by principles of Resjudicate as alleged?*
- ix. Whether the defendants prove that the present suit is hit by Order 2 Rule 2 or the Principles of Estoppel as the plaintiff had filed OS.No. 1111/83 against the second defendant's husband and another as alleged?*
- x. Whether the defendants prove that the suit is bad for non-joinder of necessary party viz., BDA as alleged ?*
- xi. Whether the defendants prove that the valuation for the purpose of Court fee not correct and the same has to be paid on market value as alleged?*
- xii. Whether the defendants prove that they have perfected their title by adverse possession as alleged?*
- xiii. Whether the plaintiff is entitled to the reliefs sought?*
- xiv. What decree or order?*



ADDITIONAL ISSUES

- i. Whether the suit property has been validly acquired for the BDA and possession was also taken and the plaintiff has no right over the suit property?*
- ii. Whether the plaintiff proves that the scheme has become legally inconsequential and has lapsed under the provisions of Sec. 36 of the BDA Act?"*

11. Plaintiff examined himself as PW1 and exhibited 57 documents as Exs.P1 to 57. Five defendants have been examined on behalf of the defendants as DWs.1 to 5. Defendant No.3 marked 32 documents as Exs.D1 to 32. Defendant No.1 has produced and marked 18 documents as Exs.D1 to 18. On appreciation of evidence, the trial court has answered issue Nos.1 to 5, 7, 8, 11 and 13 and additional issue Nos.1 and 2 in the negative. Issue No.6 in the affirmative and as held issue No.3, 4, 9, 10, 12 as not survived for consideration. Consequently, dismissed the suit of the plaintiff. Being aggrieved, the plaintiff is before this Court.

12. This Court by order dated 28.09.2007 had allowed the appeal which was carried by the legal representatives of defendant No.1 before the Hon'ble Apex Court in Civil Appeal No.5877/2009. The Hon'ble Apex Court, by order dated 03.04.2024, on having been brought to its notice that the



earlier order passed by this Court on 28.09.2007 was without impleading or hearing the Muzarai Department as well as the Bangalore Development Authority, had found it necessary to hear them and pass order afresh. Accordingly, set aside the said order and remitted the matter for fresh consideration. Accordingly, the present matter is taken up for hearing.

13. Heard Sri. V.B. Shivakumar, learned counsel for the appellant, Sri. R. Nagendra Naidu, learned counsel for respondent No.1(a) to (c), Sri. Ojaswi, learned counsel for respondent No.1(c), Ms. Amaravathi H.R., AGA for respondent No.3 and 4, Sri. Venugopal Gowda. R., learned counsel along with Sri.Murugesh V. Charati, learned counsel for respondent No.5.

14. There is no dispute on the fact that the suit schedule property formed part of land in Sy.No.2 of Katriguppa village, which originally measured 2 acres and 6 guntas. There is also no dispute of the fact that said land has been acquired by the erstwhile CITB in terms of Preliminary notification dated 09.05.1968 followed by final notification dated 28.10.1971 for the purpose of formation of Banashankari III stage and of the



fact that award was passed and award amount was deposited before the Court as required under the provisions of Land Acquisition Act, 1894. There is no challenge to the acquisition by any of the parties. Though an attempt is made by the plaintiff, in the plaint as noted above to contend that the scheme could not have been framed in the light of entire area having been developed and a feeble submission also sought to be made of scheme having lapsed, nothing further has been taken to its logical conclusion.

15. Learned counsel for the plaintiff/appellant referred to the office notings of the respondent No.5/BDA produced at Ex.D31 and D30- the sketch showing details of unauthorized construction on the Site Nos.18 and 19 in Sy.No.2 of Katriguppa Village as per the records maintained by the BDA. The said sketch is enclosed with the office notes maintained by the respondent No.5/BDA. He refers to paragraph Nos.56 to 75 of the said office notings to contend that though respondent No.5/BDA claimed to have acquired the land in terms of the notifications, by its own enquiry and inspection report, the respondent No.5/BDA has found the suit property to be in



possession of the plaintiff. He specifically refers to paragraph Nos.72 and 73 of the office notings wherein the respondent No.5/BDA in its resolution No.1994 dated 02.02.1991 has even considered the request of the plaintiff/appellant for allotment of an alternate site in lieu of the land belonging to him having been utilized for the purpose of formation of 80 feet road. He submits that the process of regularization at the end of the respondent No.5/BDA could not be continued in view of the pendency of litigation. Therefore, he submits since the matter is remanded by the Hon'ble Apex Court to hear the respondent No.5/BDA and to pass appropriate order, if a direction is issued to the respondent No.5/BDA to take up and continue the process of considering the application of the plaintiff/appellant for regularization of his property from the stage as found at paragraph No.73 of the said Ex.D31, the purpose and interest of the plaintiff/appellant would be served.

16. Learned counsel appearing for the legal representatives of defendant No.1/respondent No.1 on the other hand submits that there is an *inter se* claim between the parties with regard to the very claim of plaintiff/appellant being



in possession of the suit property. He submitted that though the plaintiff/appellant is presently in possession of the suit property, it is only by virtue of the earlier order passed by this Court in the judgment dated 28.09.2007. He therefore submits that in the event of the said order being reversed, the consequential passing of order for restitution of the possession to the defendant No.1 also has to be considered. However, he also does not dispute that even if such an order is passed, ultimately it is the respondent No.5/BDA which has to recognize and regularize the claims of the parties. He submits that if respondent No.5/BDA is directed to consider the claims of the plaintiff/appellant as well as defendant No.1/respondent No.1 on its merits in accordance to the provisions provided for the regularization, notwithstanding the interregnum possession of the plaintiff/appellant, the interest of the defendant No.1/respondent No.1 would also be served.

17. Sri. Murugesh V. Charati, learned counsel appearing along with Sri. Venugopal, learned counsel for respondent No.5/BDA submits that since there is no dispute between the plaintiff/appellant as well as the defendant No.1/respondent



No.1 with regard to respondent No.5/BDA having acquired the land free from all encumbrances and in the light of the office notes maintained at an undisputed point in time i.e., during the year 1995, the case of the plaintiff as well as the defendant for regularization, if any, would be considered strictly in accordance with law.

18. The submissions of learned counsel for the plaintiff/appellant and defendant No.1/respondent No.1 and respondent No.5/BDA is placed on record.

19. Heard. Perused the record.

20. Cause title of the judgment of trial Court indicate that the defendant No.3/BDA has not been shown as party-defendant though it had filed the written statement. Though the trial Court has extensively extracted the respective pleadings of the plaintiff as well as the defendants, it appears to have lost sight of the fact that neither of the private parties could have agitated their right over the suit property in the light of the defendant No.3/BDA having acquired the land. The trial Court therefore, could not have entertained the suit in the



light of land admittedly having been acquired by respondent No.5/BDA. Plaintiff and defendant No.1 have indeed already approached the respondent No.5/BDA seeking redressal of their grievance in accordance with the provisions of law.

21. It is necessary at this juncture to refer to the office noting of respondent No.5/BDA found at Ex.D31. For the purpose of convenience the said paragraphs are extracted here as under:

"68. From the statements filed by the disputants, the following facts emerge.

- (1) Site No.18 is in the possession of Sri. Balakrishna Naidu.*
- (2) Site No.19 is not claimed by Sri. Balakrishna Naidu.*
- (3) Sri. Balakrishna Naidu has not clear legal title to these sites.*
- (4) The Petitioner R.Muniraju has purchased these sites along with two other sites under a registered sale deed on 30-1-87 in Madras.*
- (5) Sri. Muniraju on our side and Sri. Balakrishna Naidu and H.T. Shantha Bai on the other side are locked in a civil dispute over the question of title to the property in O.S.No.955/88 in the Bangalore City Civil Court and the said suit is still pending.*
- (6) That the BDA is not made a party to the above court case.*

69. From the Land Acquisition details already furnished, it is crystal clear that the BDA notified land in Sy.No.2 of Kathriguppa in which the above sites have been un-authorisedly formed as per P.N. and F.N. dt.9-5-68 and 25-



11-71 respectively. The award was passed on 31-3-81 and possession taken and handed over to the Engineering Section on 1-4-81. But the latter have not formed the layout till today which has given rise to disputes like the one under consideration. Mrs. Bhagavathi Raghavan had no legal title to transfer the site Nos.12, 13, 18 and 19 in 1987 where she was no longer the owner of these sites as her title to these properties was extinguished with the passing of award dt. 31-3-81 and the resultant taking possession of the same.

70. Reconveyance also seems to be out of question as long as the BDA Act 1976 does not provide for it. At para 26, the TPM has opined that the re-conveyance has been banned by the Government.

71. De-notification may not be possible as the possession vests in BDA.

72. Sri. Muniraju has drawn out attention to BDA Resolution No.1994, dt.2-2-91 which is about allotment of an alternative site in lieu of land utilised by BDA for road formation. In that case, the land owner had brought a stay order from the court to an area measuring 30'x35' in Sy.No.117 which was vesting in BDA consequent to an acquisition proceedings. The said area of 30' x 35' was coming in the middle of the road where a 80' road was being formed in Banashankari III Stage layout. In the interest of expeditious completion of the 80' road, BDA conceded the request of the land owner to make good the loss of land to him by giving him an equal extent of site. Hence, the said resolution. But in the instant case, as the petitioner himself has stated under para 11 of the plaint in O.S.No.955 of 1988 that the schedule property i.e., site No.18 has become valuable on account of formation of a new road and other improvements effected by the BDA in the locality. As per the report of E.E.(S), BDA has formed a 80' road to a length of 300' out of 2A-06Gts., of acquired land in Sy.No.2 of Kathriguppa. The sital area of Site Nos.18 and 19 is 6756.75 Sq.ft. The road is a faite accomply. Resolution No. 1994 in only an exception.

73. In so far as regularisation is concerned, the same is open to consideration by the empowered Committee/Authority provided the case in not considered as sub-judice and legally impermissible and a opinion to this effect is obtained from the law section.



74. The land in Sy.no.2 of Kathriguppa village measuring 2A-06 gts. have been finally notified by BDA vide final notification dated 25.11.1971. The possession of land was handed over to Engineering Section on 1.4.1981. Sri. R. Muniraju is claiming for regularisation of site Nos.18 and 19 unauthorisedly formed and sold by the land owners in Sy.No.2 of Kathriguppa village. The Land Acquisition Officer have made a detailed study of the case. His notings at pages 21 to 29CF may kindly be perused.

75. It is seen that there are rival claims regarding the ownership of sites but lands belongs to BDA. If ordered, the file may be kept pending till the civil dispute in O.S.No.955/88 is decided by the Civil Court.21.

22. Without adverting to the merits of the claims or the opinion, observation and finding given by the trial Court, in the light of the submissions made by the learned counsel for the plaintiff as well as defendants and in the light of the directions issued by the Hon'ble Apex Court in its order referred to above, this Court deems it appropriate to **dispose of** the present appeal with the following directions:

- i. The plaintiff/appellant and defendant No.1, now represented by his legal representatives are relegated to respondent No.5/BDA.
- ii. Parties are at liberty to furnish additional documents, explanation as may be required and requisitioned by the respondent No.5/authority in justification of their claim of they being in possession of the suit property.



- iii. The respondent No.5/BDA, shall pass appropriate order strictly in accordance with law after affording sufficient opportunity of hearing to both the plaintiff and the defendants'. The respondent No.5/BDA shall not be influenced in any manner whatsoever with the order passed in this case.
- iv. It is further made clear no opinion is expressed or observation is made with regard to the claim of the private parties over the suit property.
- v. The applications of the parties shall be considered strictly with reference to the office note contained in Ex.D31 referred to above and from there onwards.
- vi. Plaintiff/appellant claims to be in possession of the suit property by virtue of the order earlier passed by this Court, the same shall not be disturbed until determination of applications by the respondent No.5/BDA as directed above.

SD/-
(M.G.S. KAMAL)
JUDGE