

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL No.5472 OF 2024
(Arising out of SLP(C)No.1356 of 2024)

D IMAM SAHEB

... APPELLANT

Versus

THE STATE OF KARNATAKA & ORS.

... RESPONDENTS

WITH

CIVIL APPEAL Nos.5473-5474 OF 2024
(Arising out of SLP(C)Nos.9982-9983/2024 @ D.No.3060/2024)

GANGAMMA & ORS.

... APPELLANTS

Versus

THE STATE OF KARNATAKA & ORS.

... RESPONDENTS

O R D E R

1. Delay condoned.

2. Leave granted.

3. Having heard learned Senior Counsel/counsel for the appellant(s) as well as learned counsel for the respondent-State at a considerable length and on carefully perusing the material placed on record, we find that the issues raised in these appeals are somewhat similar to those which arose for our consideration in C.A.No.830/2024 @ SLP(C)No.12328/2023 and connected appeals, which

were disposed of by this Court vide order dated 22.01.2024, and the matters were remitted to the High Court for fresh adjudication.

4. The instant appeals are, accordingly, allowed in part; the impugned judgments passed by the High Court of Karnataka at Bengaluru are set aside and these matters are also remitted to the High Court for fresh adjudication along with the cases remitted on 22.01.2024 vide the above-cited order.

5. Consequently, the parties shall be at liberty to raise their respective contentions before the High Court and the same shall be considered in accordance with law.

6. Till the matters are decided by the High Court afresh, *status quo* re: further construction/demolition/possession and development shall be maintained.

7. As a result, the pending interlocutory applications also stand disposed of.

.....J.
(SURYA KANT)

.....J.
(K.V. VISWANATHAN)

NEW DELHI;
APRIL 29, 2024.

ITEM NO.40+43

COURT NO.4

SECTION IV-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 1356/2024

(Arising out of impugned final judgment and order dated 17-11-2023 in WP No. 25029/2023 passed by the High Court Of Karnataka At Bengaluru)

D IMAM SAHEB

Petitioner(s)

VERSUS

THE STATE OF KARNATAKA & ORS.

Respondent(s)

(FOR ADMISSION and IA No.11278/2024-EXEMPTION FROM FILING O.T. and IA No.13854/2024-PERMISSION TO PLACE ADDITIONAL FACTS AND GROUNDS)
With

D.No.3060/2024(IV-A)

(FOR ADMISSION and I.R. and IA No.16738/2024-CONDONATION OF DELAY IN FILING and IA No.16737/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 29-04-2024 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE K.V. VISWANATHAN

For Petitioner(s) Mr. Shailesh Madiyal, Sr. Adv.
Mr. Vaibhav Sabharwal, Adv.
Mr. Ashwin Kumar Nair, AOR

Mr. Nikhil Goel, Sr. Adv.
Mr. Sahil Bhalai, AOR
Mr. Tushar Giri, Adv.
Mr. Siddharth Anil Khanna, Adv.
Ms. Gulshan Jahan, Adv.
Mr. Sewa Singh, Adv.

For Respondent(s) Mr. S. K. Kulkarni, Adv.
Mr. M. Gireesh Kumar, Adv.
Mr. Ankur S. Kulkarni, AOR
Ms. Uditha Chakravarthy, Adv.
Ms. Shalaka Srivastava, Adv.
Mr. Subham Bahuguna, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Delay condoned.

Leave granted.

The appeals are allowed in part in terms of the signed order.

Till the matters are decided by the High Court afresh, *status quo* re: further construction/demolition/possession and development shall be maintained.

As a result, the pending interlocutory applications also stand disposed of.

(SATISH KUMAR YADAV)
ADDITIONAL REGISTRAR

(PREETHI T.C.)
COURT MASTER (NSH)

(Signed order is placed on the file)