

ITEM NO.43

COURT NO.6

SECTION IVA

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 (Civil) No(s).9712/2012

(From the judgement and order dated 05/01/2012 in WA No.4229/2011
of The HIGH COURT OF KARNATAKA AT BANGALORE)

S.JAGANATH & ORS.

Petitioner(s)

VERSUS

BANGALORE DEV.AUTHORITY AND ANR.

Respondent(s)

(With appln(s) for exemption from filing O.T. and prayer for interim
relief)

Date: 02/04/2012 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI
HON'BLE MR. JUSTICE SUDHANSU JYOTI MUKHOPADHAYA

For Petitioner(s) Mr. S.N. Bhat,Adv.

For Respondent(s)

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

The petitioners belong to the class of unscrupulous
litigants who misuse the process of the Court for personal
gains.

The petitioners' land was part of other parcels of
land which was acquired by the Bangalore Development
Authority by issuing notifications dated 7.11.2002 and
9.9.2003 issued under Sections 17 and 19 of the Bangalore
Development Authority Act, 1976 (for short, 'the Act'). The
petitioners' challenged the acquisition of their land in
Writ Petition No. 13267 of 2005 but could not persuade the

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learned Single Judge of the Karnataka High Court to accept
their prayer. Nevertheless, the learned Single Judge
adopted a compassionate approach and granted leave to the
petitioners to make representation for releasing their land.

The representation made by the petitioners was
rejected by the Special Land Acquisition Officer, Bangalore

Development Authority on the ground
part of the sanctioned BDA lay out.

that their land forms

The petitioners challenged the rejection of their prayer for release of land in Writ Petition No. 14116 of 2008, which was dismissed by the learned Single Judge on the ground that they had already sold a portion of the acquired land and received compensation.

The Division Bench of the High Court also took cognizance of the fact that the petitioners have already received compensation and disposed of a portion of the acquired land and dismissed the writ appeal.

Shri S.N. Bhat referred to site plan (exhibit P3) and tried to persuade us to take the view that the reason assigned by the Special Land Acquisition Officer for refusing to accept the prayer of the petitioners is legally unsustainable, but we have not felt impressed.

In our view, the learned Single Judge of the High Court was right in observing that the petitioners' conduct is reprehensible and they are not entitled to any relief under Article 226 of the Constitution. What is most surprising is that the petitioners had the audacity to sell

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the land which stood acquired as early as in 2003. Not only this, they sought intervention of the Court after accepting the compensation determined by the Land Acquisition Officer. This being the position, the High Court was fully justified in rejecting their prayer for issue of a direction to the respondents to release the acquired land.

We also do not find any merit in the submission of Shri Bhat that the petitioners' land should have been released as was done in other cases. The site plan produced by Shri Bhat does not conclusively establish that the land sought to be released was not part of BDA layout.

The special leave petition is accordingly dismissed.

(Parveen Kr.Chawla)
Court Master

(Phoolan Wati Arora)
Court Master