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C.A.No. 5772 OF 1997
.UP 10 2; Draft, smtst; -n -PA4 -dFX-NORMAL -y -e; dumbp
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ITEM NO. 109

COURT NO. 4

SECTION IVA

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

CIVIL APPEAL NO. 5772 OF 1997@@
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Vipin Purushotham Patel ... Appellant (s)

Vs.

State of Karnataka and Anr. ... Respondent (s)

(With office report)

With

C.A. No. 6119@@

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(With office report)

C.A. Nos. 6120/97, 8457, 8456/97@@

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SLP (C) No. 9335/2000@@

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(With prayer for interim relief)

Date: 27-02-2002 This/These matter(s) was/were called
on for hearing today.

CORAM :

HON'BLE MR. JUSTICE V.N. KHARE

HON'BLE MR. JUSTICE ASHOK BHAN

For appellant (s) Mr. M Rama Jois, Sr.Adv.
in CA 5772 Mr. NL Ganpathi, Adv.

in CA 6119 Mr. RS Hegde, Adv.
Mr. Somiran Sharma, Adv.
for Mr. PP Singh, Adv.

in CA 6120, 8456 and Mr. DNN Reddy, Adv.
8457 Mr. S Sukumaran, Adv.
Ms. Divya Nair, Adv.
Mr. Ramesh Babu M.R., Adv.
for M/s. JBD & Co.

For petitioner (s) Mr. SN Bhat, Adv.

For respondent (s)
in CA 5772, 8456-57 Mr. KR Nagaraja, Adv.

in CA 5772, 6119-20, Mr. SK Kulkarni, Adv.
8456-57 Mr. M Gireesh Kumar, Adv.
Mr. KH Nobin Singh, Adv.
Mr. Ankur Kulkarni, Adv.
for Ms. Sangeeta Kumar, Adv.

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

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Mr. Rama Jois, learned senior counsel and Mr. SK Kulkarni argued their case for 10 minutes.

The appeals are allowed. There shall be no order as to costs.

The special leave petition is delinked and is to be listed next week.

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(Alka Dudeja)
Court Master

(S. Krishnan)
Court Master

Signed order is placed on the file.

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IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 5772 OF 1997@@
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Vipin Purushotham Patel ... Appellant (s)

Vs.

State of Karnataka and Anr. ... Respondent (s)

With C.A. Nos. 6119, 6120, 8457 and 8456/97@@
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O R D E R@@
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It is not disputed that the appellants' land is covered by the Notification dated 22nd July, 1991 issued under Section 19(1) of the Bangalore Development Authority Act, 1976 which was struck down in Writ Petition No. 4046/93, decided by the learned single Judge of the High Court of Karnataka on 27th September, 1996 against which the respondents herein did not prefer any appeal and accepted the said judgment.

In that view of the matter, the appeals deserve to succeed. The Notification issued under Section 19(1), so far it relates to the land of the appellants, is hereby quashed.

The appeals are allowed.

However, the liberty is reserved to the Bangalore Development Authority to proceed with the acquisition in accordance with law and such acquisition shall be

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completed within one year from today. If the appellants have not filed any objection to this scheme, they are permitted to do so within a period of one month from today, without waiting for any notice from the Bangalore Development Authority. The Bangalore Development Authority shall also consider the objections, which have been filed, but not considered. The appellants are further restrained from making any fresh construction over the disputed land or change its nature.

There shall be no order as to costs.

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.....J.
(V.N. KHARE)

.....J.
(ASHOK BHAN)

NEW DELHI
FEBRUARY 27, 2002.