

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

IAs 856 and 857 of 2012

IN

CIVIL APPEAL NO. 3628-3960 OF 2004

BANGALORE DEVELOPMENT AUTHORITY Appellant (s)

VERSUS

R.JAYAKUMAR & ORS. Respondent(s)

O R D E R

1. IA Nos.856 and 857 of 2012, filed in Civil Appeal Nos.3628-3960 of 2004, by some of the respondents, for appropriate directions, have been listed today for consideration.

2. IA 857 of 2012, which has been filed by six of the following respondents in these pending appeals, is taken up first for consideration, namely, (1) Narayana Sastry, who is a respondent in Civil Appeal Nos.3652 and 3818 of 2004; (2) R.V.Prasanna, who is a respondent in Civil Appeal No.3653 of 2004 and C.A.No.3819 of 2004; (3)D.S.Srinivasa, who is a respondent in C.A.No.3733 of 2004 and C.A.No.3900 of 2004; (4)Smt.Vanamala G., who is a respondent in C.A.No.3742 of 2004 and C.A.No.3909 of 2004; (5)Jothi D.S., who is a respondent in C.A.Nos.3745 and 3912 of 2004; and lastly (6)Santhappa, who is a respondent in C.A.Nos.3752 and 3919 of 2004.

3. In the said applications, the applicants have prayed for leave to withdraw the writ petition, which they have filed before the High Court and which had been decided in their favour. The subject-matter of the writ application was the demand made by the Appellant-Authority in regard to sital value, as well as the interest on the unpaid amounts from the date of allotment of the plots. The Bangalore Development Authority has come up against the order of the High Court which decided the writ petition in favour of the applicants. Despite the fact that the applicants herein succeeded before the High Court, we are informed by Mr. Ramasesh, learned advocate appearing for the applicants, that the applicants/respondents had ultimately paid the enhanced sital value, as well as interest payable in terms of Rule 13 of the Bangalore Development Authority(Allotment of Site) Rules, 1984. It has also been submitted that since the applicants have accepted the case of the appellant, and have paid the amounts as

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 Mr. S.K. Kulkarni, Adv.
 Mr. Ankur S. Kulkarni, AOR

For Respondent(s)
R.14&70 Mr. Bharat Sangal, AOR
 Ms. Srijana Lama, Adv.
 Ms. Ramandeep, Adv.

Mr. P.R. Ramasesh , AOR
Mr. B.Janardhan Rao, Adv.

Mr. S.N. Bhat, AOR

Mrs.K. Sarada Devi , AOR

Ms. Kheyali Sarkar, Adv.
Mr. E.C. Vidya Sagar, AOR

Mr. Anand Sanjay Minuli, Adv.
Mr. L.K.Sharma, Adv.
Mr. Manish Gupta, Adv.
Mr. B.S. Prasad, Adv.

Mr. Nikhil Nayyar , AOR

Mr. B. Subrahmanya Prasad, AOR

Mr. Ankur S. Kulkarni, AOR

Mr. K.H.Nobin Singh, AOR

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

In terms of the signed order, since the applicants have accepted the case of the appellant, and have paid the amounts as demanded, nothing further remains to be decided in the appeals, as far as they are concerned. Accordingly, the appeals as far as the applicants are concerned, stand allowed, subject to verification by the appellant-Authority that payments have actually been made.

I.A.No.857 is disposed of, accordingly.

I.A.No.856 of 2012, has been filed by 79 applicants, who are also respondents in some of the appeals. In their cases as well, the applicants have accepted the stand of the appellant-Authority and are ready and willing to pay the amounts, as demanded by it.

The applicants undertake to pay the enhanced site value, with interest in terms of Rule 13 of the Bangalore Development Authority(Allotment of Site) Rules, 1984, within two months from date.

Having regard to the above, subject to the applicants paying the said dues by 30th April, 2013, the appeals as far as they are concerned, shall stand allowed and the impugned order shall stand dissolved, as far as they are concerned.

I.A.No.856 is also disposed of, in the above terms.

(Sheetal Dhingra)
Court Master

(Juginder Kaur)
Assistant Registrar

[Signed order is placed on the file]