

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).16961/2005

(From the judgement and order dated 14/03/2005 in WA No.5918/2001
of The HIGH COURT OF KARNATAKA AT BANGALORE)

DEFENCE COLONY H.B.CO-OP.SOCIETY LTD.

Petitioner(s)

VERSUS

BANGALORE DEVELOPMENT AUTH. & ANR.

Respondent(s)

[With prayer for interim relief]

Date: 17/01/2008 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ASHOK BHAN
HON'BLE MR. JUSTICE ALTAMAS KABIR

For Petitioner(s) Mr. Parag P. Tripathi, Sr. Adv.
Mrs. Anjali K. Varma, Adv.
Mr. Niraj Gupta, Adv. for
Ms. Meera Mathur, Adv.

For Respondent No.1 Mr. S.K. Kulkarni, Adv. for
Mr. Vijay Kumar, Adv.

No.2 Mr. Raju Ramachandran, Sr. Adv.
Mr. Shantha Mahale, Adv. for
Mr. Rajesh Mahale, Adv.

UPON hearing counsel the Court made the following
ORDER

Against the cancellation of the site bearing No.380 in 4th Block,
Koramangala, Bangalore which was allotted to respondent no.2 in the
year 1973, he filed a suit being O.S.No.743 of 2000 which is still pending.

Based on the cancellation of the said site, Bangalore Development
Authority initiated proceedings under the Karnataka Public Premises
(Eviction of Unauthorised Occupants) Act, 1974

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against respondent no.2. Respondent No.2 challenged the proceedings
initiated against him by filing Writ Petition No.16287 of 2000 which was
allowed by the learned Single Judge, aggrieved against which the
petitioner filed Writ Appeal No.5918 of 2001 which has been dismissed by
the impugned order.

Keeping in view the facts and circumstances of the case especially
the fact that respondent no.2 has constructed a house in which he is living,
we are not inclined to interfere with the impugned order of the High
Court.

It is made clear that all the rights of the parties shall be subject
to the decision of the civil suit. Hearing of the suit is expedited.

The Special Leave Petition is dismissed accordingly.

(Subhash Chander)
Court Master

(Kanwal Singh)
Court Master