

IN THE SUPREME COURT OF INDIA  
CIVIL ORIGINAL JURISDICTION

CONTEMPT PETITION (C) NO.144 OF 2006  
IN  
CIVIL APPEAL NOS.3492-3494 OF 2005

DAKSHINAMURTHY

....PETITIONER

VERSUS

B.K. DAS IAS & ORS.

....RESPONDENTS

WITH

CONMT.PET.(C) NO. 96 of 2007 In C.A.No.3492--3494/2005

SLP(C) NO. 11829 of 2008

W.P(C) NO. D23593 of 2008

O R D E R

We have heard the learned counsel for the parties  
on the application for contempt.

By a final judgment, this Court directed the  
State/respondents to implement the Bangalore-Mysore  
Infrastructure Corridor Project. The said project has not  
yet been implemented by the State/respondents. On 4th of

February, 2009, when this contempt proceeding was taken up  
for hearing, Mr. G.E. Vahanvati, learned Solicitor General

of India (as he then was) appearing for the State,  
submitted that the State Government had decided to

implement the judgment of the High Court of Karnataka, as  
affirmed by this Court, for such implementation the State

Government needed time. <sup>1</sup> It is true that inspite of such

submission made by the then learned Solicitor General of  
India, we are informed that the project has not yet been

implemented. At the time of hearing on that date, the

Advocate General of the State, who was present in court,

submitted before us that the State Government had already

taken all steps to implement the project and in fact, some

lands had already been allotted to the applicants.

Considering this submission of the learned Advocate General

of the State, we directed the State Government to

constitute a Committee to be headed by the Chief Minister

of Karnataka for that purpose and the said Committee shall

submit a report by 22nd of November, 2009 as to allotment and possession of lands for completion of the project and such steps can be taken within the time that may be mentioned in the report and the project shall be allowed to be completed as per the alignment specified in the Outline Development Plan dated 12th of February, 2004 issued by the Bangalore Mysore Infrastructure Corridor Area Planning Authority as per the Town and Country Planning Act. The matter was directed to be placed for further orders on 26 th of November, 2009. However, the matter was placed before us today i.e. 11th of January, 2010 for orders.

2

We have heard the learned counsel for the parties and considered the entire materials on record. Before us, an additional affidavit has been filed on behalf of the applicant from which it appears that despite some progress made by the State Government for implementation of the project much work/compliance of the order of this Court is yet to be undertaken by the Government of Karnataka for which further directions are required to be issued by this Court. Mr. Vahanvati, learned Attorney General of India appearing for the State of Karnataka submitted that some time is required to respond to the said additional affidavit filed on behalf of the applicant. Considering the gravity of the problem and considering the factual dispute being raised by the applicant, we are of the view that the additional affidavit filed on behalf of the applicant must be responded by the State of Karnataka. In that view of the matter, we grant six weeks time to the State of Karnataka to file response to this additional affidavit filed on behalf of the applicant. In the meantime, we are of the view that the High Level Committee constituted to hold a meeting for the purpose of implementation of the project and submit a report on the basis of the order passed earlier within ten weeks from

this date. It must be said that while holding such meeting, the High Level Committee shall give opportunity of hearing to the applicant and other interested parties whom the High Level Committee may think proper to be heard.

All the contentions of Mr. Prashant Bhushan, learned counsel appearing for the petitioner in W.P.(C) No.D23593 of 2008 shall be heard after the report and the affidavits are filed.

Let this matter be listed in the month of April, 2010 for orders.

.....J.  
(TARUN CHATTERJEE)

.....J.  
(R.M. LODHA)

.....J.  
(DEEPAK VERMA)

NEW DELHI,  
JANUARY 11, 2010.

ITEM NO.301 COURT NO.3 SECTION IVA

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

CONMT.PET.(C)NO.144/2006 IN C.A.NO.3492-94/2005

DAKSHINAMURTHY Petitioner(s)  
VERSUS  
B.K.DAS I.A.S & ORS. Respondent(s)

(With office report)  
[For further orders)

WITH CONMT.PET.(C) NO. 96 of 2007 In C.A.No.3492--3494/2005  
(With appln.(s) for interim relief and permission to file additional documents and appln.for seeking modification of the order dt.21.07.2006 and appln.for permission to exercise its contractual rights)

SLP(C) NO. 11829 of 2008

(With appln.(s) for permission to place additional documents on record and with prayer for interim relief and office report)

W.P(C) D NO. D23593 of 2008

(With appln.(s) for ex-parte stay and permission to file additional documents and exemption from filing O.T. and office report)

Date: 11/01/2010 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE TARUN CHATTERJEE  
HON'BLE MR. JUSTICE R.M. LODHA  
HON'BLE MR. JUSTICE DEEPAK VERMA

For Petitioner(s) Mr. Mukul Rohtagi, Sr.Adv.  
Mr. Mohit D. Ram, Adv.  
Ms. Meenakshi Arora, Adv.  
  
Mr. Vasudevan Raghavan, Adv.  
  
Mr. Ashok Desai, Sr.Adv.  
Mr. Dushyant A. Dave, Sr.Adv.  
Mr. Rohington Nariman, Sr.Adv.  
Mr. R.V.S. Naik, Adv.  
Mr. K.T. Anantaraman, Adv.

5

Mr. Vasudevan Raghavan, Adv.  
For M/S. Lawyer'S Knit & Co., Adv.

Contd...2/-

6

CONT.PET.(C)NO.144/2006 IN C.A. NO.3492-94/2005 etc. CONTD...

::2::

Mr. Prashant Bhushan, Adv.  
Mr. Prashant Kumar, Adv.  
Mr. Triveni Potekar, Adv.  
Mr. J.K. Mohapatra, Adv.  
Mr. Amarjit Singh Bedi, Adv.  
  
For Respondent(s) Mr. G.E. Vahanvati, A.G.  
Mr. Ashok Haranahalli, Adv.Genl.  
Mr. Sandeep Patil, Adv.  
Ms. Anitha Shenoy, Adv.  
Ms. Rashmi Nandakumar, Adv.  
Mr. Shanta Kumar Mahale, Adv.  
  
Mr. Anup G. Chowdary, Sr.Adv.  
Mr. Abhay Kumar, Adv.  
  
Mr. Sanjay R. Hegde, Adv.  
  
Mr. Vasudevan Raghavan, Adv.  
  
Ms. Kiran Suri, Adv.  
  
Mr. E.C.Vidya Sagar, Adv.

UPON hearing counsel the Court made the following

O R D E R

We have heard the learned counsel for the parties  
and considered the entire materials on record. Before us,

an additional affidavit has been filed on behalf of the applicant from which it appears that despite some progress made by the State Government for implementation of the project much work/compliance of the order of this Court is yet to be undertaken by the Government of Karnataka for which further directions are required to be issued by this Court. Mr. Vahanvati, learned Attorney General of India appearing for the State of Karnataka submitted that some

7

time is required to respond to the said additional affidavit  
contd...3/-

8

CONT.PET.(C)NO.144/2006 IN C.A. NO.3492-94/2005 etc. CONTD...

::3::

filed on behalf of the applicant. Considering the gravity of the problem and considering the factual dispute being raised by the applicant, we are of the view that the additional affidavit filed on behalf of the applicant must be responded by the State of Karnataka. In that view of the matter, we grant six weeks time to the State of Karnataka to file response to this additional affidavit filed on behalf of the applicant. In the meantime, we are of the view that the High Level Committee constituted to hold a meeting for the purpose of implementation of the project and submit a report on the basis of the order passed earlier within ten weeks from this date. It must be said that while holding such meeting, the High Level Committee shall give opportunity of hearing to the applicant and other interested parties whom the High Level Committee may think proper to be heard.

All the contentions of Mr. Prashant Bhushan, learned counsel appearing for the petitioner in W.P.(C) No.D23593 of 2008 shall be heard after the report and the affidavits are filed.

Let this matter be listed in the month of April, 2010 for orders.

(A.D. Sharma)  
Court Master

( Phoolan Wati Arora)  
Court Master

(Signed Order is placed on the file)

9