

ITEM NO.101

COURT NO.10

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

Civil Appeal No(s).1394-1411/2009

BANGALORE METROPOLITAN TRPT. CORPN. Appellant(s)
VERSUS
M/S GOKULA EDUCATION FOUNDATION & ORS. Respondent(s)

(with office report)

WITH

CONMT.PET.(C) No. 100/2006 In C.A. Nos. 1394-1411/2009C.A. Nos. 1412-1465/2009

(With Interim Relief and Office Report)

C.A. Nos. 1466-1483/2009C.A. Nos. 1485-1520/2009

Date : 14/01/2015 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE MADAN B. LOKUR
HON'BLE MR. JUSTICE PRAFULLA C. PANT

For Appellant(s) Dr. Rajeev Dhawan, Sr. Adv.
Mr. R.S. Hegde, Adv.
Mr. Rajeev Singh, AOR

Mr. Sanjay R. Hegde, AOR

Mr. P. P. Singh, AOR

in CA 1466-83/02 Mr. S.K. Kulkarni, Adv.
Mr. M. Gireesh Kumar, Adv.
Mr. Ankur S. Kulkarni, AOR

For Respondent(s) Mr. P.Vishwanatha Shetty, Sr. Adv.
Mr. Shashikiran Shetty, Sr. Adv.
Mr. Sharan Thakur, Adv.
Mr. V. Ramesh, Adv.
Mr. Vijay Kumar Pardeshi, Adv.
Mr. Ramesh Babu M. R., AOR
Mr. Pradeep Kumar Bakshi, AOR

for BDA Mr. S.K. Kulkarni, Adv.
Mr. M. Gireesh Kumar, Adv.
Mr. Ankur S. Kulkarni, AOR

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

We have heard learned counsel for the parties for some time.

It appears that on the land in dispute a large amount of construction has taken place from the time when the land was originally acquired in 1977. It is pointed out that a Medical College, Hospital, Institute of Advanced Studies, Engineering College, Law College, etc. have all come up on the land in dispute.

So far as the bus stop permitted to be constructed under the orders of this Court is concerned, the disputed land on which it has been constructed is about 3276 sq.mts. in Survey No.20 of Chikkamaranahalli Village. Mr. P. Vishwanatha Shetty, learned senior counsel appearing for the respondent - M/s. Gokula Education Foundation is prepared to give up this land for the bus stop. However, he requests that the bus stop may be named as M.S. Ramaiah Memorial Bus Stop.

On a pragmatic view of what has transpired in the last more than three decades, it appears that it may be difficult to pull out the construction that has already taken place on the land in dispute, even if the appellants succeed.

Learned counsel for the appellants - The Bangalore Metropolitan Transport Corporation, State of Karnataka and Bangalore Development Authority, seek some time to take instructions.

Liberty to file additional documents, including photographs of the construction, granted.

The matters be listed on Tuesday, 20th January, 2015 at 3.45 p.m. as part-heard matter.

(SANJAY KUMAR-I)
COURT MASTER

(JASWINDER KAUR)
COURT MASTER