

ITEM NO.204

COURT NO.7

SECTION IVA

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

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).21175/2005

(From the judgement and order dated 12/07/2005 in WA No. 2067/2005 of The
HIGH COURT OF KARNATAKA AT BANGALORE)

NAL LAYOUT RESIDENTS ASSOCIATION & ANR.

Petitioner(s)

VERSUS

BANGALORE DEVELOPMENT AUTHORITY & ANR.

Respondent(s)

(With prayer for interim relief and office report)
(FOR FINAL DISPOSAL)

Date: 17/11/2006 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE H.K. SEMA

HON'BLE MR. JUSTICE P.K. BALASUBRAMANYAN

For Petitioner(s)

Mr. Uday U. Lalit, Sr. Adv.

Mr. K. Maruthi Rao, Adv.

Mr. K.C. Sudershan, Adv.

Ms. K. Radha, Adv.

Mrs. Anjani Aiyagari, Adv.

For Respondent(s)

Mr. S.K. Kulkarni, Adv.

Mr. Vijay Kumar, Adv.

Mr. S.N. Bhat ,Adv

UPON hearing counsel the Court made the following

O R D E R

Leave granted.

Both orders of the learned single Judge and Division bench of the High Court are hereby set aside. The Writ Petition No. 28015/2004 and 41554/2004 are now restored to file. Learned single Judge shall hear the parties and decide the Writ Petition on merit. Appeal is disposed of in terms of the signed order.

Stay granted by this Court will continue till the disposal of the Writ Petition.

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(Ravi P. Verma)

(Anand Singh)

Court Master

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. 5057 OF 2006

[Arising out of SLP(C) No.21175/2005]

NAL
ASSOCIATION & ANR.

LAYOUT

RESIDENTS

APPELLANT(S)

Versus

BANGALORE DEVELOPMENT
AUTHORITY & ANR.

RESPONDENT
(S)

O R D E R

Leave granted.

The challenge in this appeal is to the order dated
12/07/2005 of the Division Bench of the Karnataka High Court in

Writ Appeal No.2067/2005 affirming the order of the learned single

Judge dismissing the Writ Petition. The learned single Judge

dismissed the Writ Petition on two grounds:

(a) that the Writ Petitioners has no locus standi to file the
petition; and

(b) there was a considerable delay in preferring the Writ
Petition.

We are not satisfied with the two grounds on which the Writ Petition

was dismissed. Firstly, when there is alleged violation of building law by the authority or by the allottee, the residents of the locality or the citizens who are adversely affected thereby will be definitely entitled to

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raise a grievance. Secondly, the delay as explained by the counsel for the appellant was that the appellant was not aware of any allotment order dated 18/05/2001 passed by the authority and when they came to know that there was some activity of construction on the plot earmarked for football ground in the plan map they immediately preferred Writ Petition before the High Court. The contention of the appellant in our view is reasonably sufficient to condone the delay and examine the Writ Petition on merit.

In the result, both orders of the learned single Judge and Division bench of the High Court are hereby set aside. The Writ Petition No. 28015/2004 and 41554/2004 are now restored to file. Learned single Judge shall hear the parties and decide the Writ Petition on merit.

Appeal is disposed of in the above terms.

Stay granted by this Court will continue till the disposal of

the Writ Petition.

.....J.

(H.K. SEMA)

New Delhi;

.....J.

November 17, 2006.

(P.K. BALASUBRAMANYAN)