

ITEM NO.19

COURT NO.1

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

Petition(s) for Special Leave to Appeal (C) No(s). 24434/2009

(Arising out of impugned final judgment and order dated 29/06/2009 in WP No. 398/2009 passed by the High Court Of Karnataka at Bangalore)

SHANI MAHATHMA TEMPLE TR.SEC.

Petitioner(s)

VERSUS

G.R.SRINIVAS REDDY @ BABU & ORS.

Respondent(s)

Date : 08/03/2016 This petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE UDAY UMESH LALIT

For Petitioner(s)

Mr. P.Vishwanatha Shetty, Sr.Adv.

Mr. Mahesh Thakur, Adv.

Mr. G.N. Reddy, Adv.

For Respondent(s)

Mr. V. N. Raghupathy, Adv.

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

We have heard learned counsel for the parties at some length. The High Court has simply directed removal of unauthorized occupation of the petitioner herein from an area which appears to be no more than 0.02 acres from out of Survey No.301, Guntur Village, Varthur Hobli, Bangalore East Taluk measuring 59 acres 13 guntas in all. We see no error in that direction inasmuch as the occupation of the petitioner has been found to be unauthorised in terms of the notice dated 30.07.2009 received by the petitioner from Tehsildar, Varthur Police Station, Bangalore City.

Mr. Vishwanatha Shetty, learned senior counsel appearing for the petitioner all the same argues that the order passed by the High Court should not prevent the competent authority from considering any prayer for regularisation of the said area in favour of the petitioner in accordance with the prevailing norms. Mr.V.N. Raghupathy, learned counsel for the respondent has no objection to that clarification being given by this Court.

In the circumstances, therefore, while we dismiss this special leave petition we make it clear that the order passed by the High Court shall not prevent the competent authority from considering any prayer for regularisation of the area occupied by the petitioner in accordance with the prevalent norms.

No costs.

(Ashok Raj Singh)
Court Master

(Saroj Saini)
Court Master