

IN THE HIGH COURT OF KARNATAKA, BANGALORE

DATED THIS THE 3RD DAY OF JULY, 2009

PRESENT

THE HON'BLE MR.JUSTICE RAM MOHAN REDDY
AND
THE HON'BLE MR.JUSTICE A.S.BOPANNA

WRIT PETITION No.10137 OF 2007 (CS-RES)

BETWEEN

SMT. RAHEEMUNNEESA
D/O. LATE SHEIKH MEHABOOB
AGE 45 YEARS
PERSONAL SECRETARY TO
HON'BLE MR. JUSTICE K L MANJUNATH
HIGH COURT OF KARNATAKA
BANGALORE - 1.

... PETITIONER

(BY SRI. Y N NAGARAJA, ADV)

AND

KARNATAKA STATE JUDICIAL
EMPLOYEES' HOUSE BUILDING
CO-OP. SOCIETY LTD
NOW AT JUDICIAL LAYOUT
OPP.TO JAKKUR AERODROME
YELAHANKA, BANGALORE-65
REP.BY ITS SECRETARY.

... RESPONDENT

(BY SRI. S ANIL KUMAR & T N NAMADEVA SWAMY, ADV)



THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO CALL FOR THE ENTIRE RECORDS RELATING TO ALL THE ALLOTMENT MADE SO FAR IN REGARD TO VARIOUS TYPES OF MEMBERS INCLUDING IF ANY FALSE AFFIDAVITS SUBMITTED THERETO SEEKING THE SITES, THE METHODOLOGY ADOPTED THEIR RIGHTS FROM THE INCEPTION OF THE SOCIETY INCLUDING THE LATEST SITES ALLOTMENT RELATING TO THE 2ND PHASE I.E. AT TALAGHATTAPURA-MALLASANDRA(SHIVANAGARA)/ ALLALASANDRA LAYOUT AND ETC.

THIS PETITION COMING ON FOR HEARING, THIS DAY, RAM MOHAN REDDY. J, MADE THE FOLLOWING:

ORDER

The petitioner though allotted site No.40 in the Judicial Layout, Shivanagar, measuring 27.5/2 + 24 x 30 ft. was put in possession and a deed of conveyance dt. 2.9.2006 Annexure-G executed, has presented this petition to call for the entire records relating to all the allotments of various types of members, the methodology adopted right from the inception of the Society including the latest site allotments at the II Phase of Talaghattapura, Mallasandra and Allalасandra layouts, in addition for a writ of mandamus directing the respondent-Society to consider and issue necessary



allotment of site to the petitioner either in the I Stage or II Stage, Talaghattapur, Mallasandra, within a fortnight and issue a correction deed and allot site measuring 1200 sq.ft. (30' x 40').

2. At the threshold, it must be pointed out that the reliefs are in a loaded form. The petitioner having secured the allotment of a site as a member of the Society, followed by execution of a conveyance deed and delivery of possession of the site formed by the Society in the layout, it is too far fetched for the petitioner to invoke the writ jurisdiction for the reliefs, supra. The petitioner, is disentitled to the relief of a correction deed and further allotment of a site measuring 1200 sq.ft. In our considered opinion, the dispute that the petitioner is entitled to an allotment of a site measuring 1200 sq.ft as against 772.5 sq.ft allotted cannot tantamount to a violation of either a statutory right, a fundamental right

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or a constitutional right calling for interference in exercise of the extraordinary writ jurisdiction.

The writ petition is, accordingly rejected.

Sd/ 
Judge

Sd/ 
Judge

In.