

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 24TH DAY OF AUGUST, 2012

PRESENT

THE HON'BLE MR.VIKRAMAJIT SEN, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE ARAVIND KUMAR

Writ Petition No.45915/2011(LB-BMP-PIL)

Between:

1. Smt.Meena S.  
L/R of Sri.Venkitaiah  
Aged about 68 years,  
Block No.41, House No.35,  
E.W.S Tin Shed,  
Vivek Nagar,  
Bangalore – 560 047.
2. Smt.E.Pramila  
Aged about 43 years,  
W/o Bhaktachalam  
No.27, E.W.S Tin Shed,  
Vivek Nagar,  
Bangalore – 560 047.
3. Smt.Irudhyamary  
Aged about 55 years,  
W/o L.Arokiadass  
Old Block No.22, House No.21,  
E.W.S. Tin Shed,  
Vivek Nagar,  
Bangalore – 560 047.
4. Sri.S.Ravi  
Aged about 47 years,  
S/o D.Swamy  
Old Block No.26, House No.13,  
E.W.S Tin Shed,  
Vivek Nagar,

Bangalore – 560 047.

5. Sri.S.Feroz  
Aged about    years,  
S/o Abdul Jaffar  
Old Block No.23,  
House No.8,  
E.W.S Tin Shed,  
Vivek Nagar,  
Bangalore – 560 047.

6. Smt.Ratnamma  
Aged about 38 years,  
W/o late Kothanda  
Old Block No.38,  
House No.16,  
E.W.S Tin Shed,  
Vivek Nagar,  
Bangalore – 560 047.

7. Sri.M.Keshavulu  
Aged about 61 years,  
S/o Bothaiah  
Old Block No.10,  
House No.25,  
E.W.S Tin Shed,  
Vivek Nagar,  
Bangalore – 560 047.

8. Smt.Shivashanthi  
Aged about 58 years,  
W/o late Shivakumar  
Old Block No.36, House No.4,  
E.W.S Tin Shed,  
Vivek Nagar,  
Bangalore – 560 047.

9. Smt.Meenakshi R.  
Aged about 24 years,  
D/o late Pushpa  
Old Block No.36, House No.14,  
E.W.S Tin Shed,  
Vivek Nagar,  
Bangalore – 560 047.

10. Sri.M.Venkitesh  
Aged about 38 years,  
S/o Marappa,  
Old Block No.15,  
House No.13,  
E.W.S Tin Shed,  
Vivek Nagar,  
Bangalore – 560 047.

11. Smt.Amuda Dass  
Aged about years, W/o  
Old Block No.38,  
House No.11,  
E.W.S Tin Shed,  
Vivek Nagar,  
Bangalore – 560 047.

12. Sri.Ramachandran  
Aged years, S/o  
Old Block No.35,  
House No.34,  
E.W.S Tin Shed,  
Vivek Nagar,  
Bangalore – 560 047.

13. Smt.Bharathi  
Aged about 60 years,  
W/o late Dhanbhadur  
Old Block No.7,  
House No.8,  
E.W.S Tin Shed,  
Vivek Nagar,  
Bangalore – 560 047.

....Petitioners

(By Sri.B.C.Thiruvengadam, Advocate, Sri.Anniyan Joseph,  
Advocate)

And:

1. State of Karnataka  
Through its Secretary  
Housing and Urban Development,  
Bangalore – 560 001.

2. Brahut Bangalore Mahanagara Palike  
N.R.Square,  
Bangalore – 560 001  
Represented by its Commissioner

3. Maverick Holding and Investment (P) Ltd.,  
A company registered under the Companies  
Act, 1956  
Having its office at  
78/1, New K.R.Road,  
Basavanagudi,  
Bangalore.

4. Economically Weaker Section  
Residential Welfare Association  
(a registered association)  
No.12, 25<sup>th</sup> Block,  
E.W.S Quarters,  
Viveknagar Post,  
Bangalore – 560 047  
Represented by its  
General Secretary  
Mr.P.S.Dass

5. Sri.Daniel Richard  
S/o T.Daniel,  
Aged about 52 years,  
Opp: Sri.Kumarans High School,  
Ramamurthynagar,  
Bangalore – 560 016.

6. Sri.S.Govindraaj  
S/o Sundaram,  
Aged 56 years,  
37/4, Bazar Street,  
Neelasandra,  
Bangalore – 560 047.

7. Smt.K.Kodhanatchi  
W/o M.Vishnumurthy  
Aged 72 years,  
No.89, 19<sup>th</sup> A Cross,  
Butchappa Road,  
Ejipura,  
Bangalore – 560 047.

8. Smt.K.Ushadevi  
W/o Arumainathan,  
Aged 52 years,  
No.89, 19<sup>th</sup> A Cross,  
Butchappa Road,  
Ejipura,  
Bangalore – 560 047.

9. Smt.K.Saravani  
W/o Deva Sagayam,  
Aged about 45 years,  
No.D-340, 4<sup>th</sup> Lane,  
East Ring Road,  
I.T.I Colony,  
Dooravani Nagar,  
Bangalore – 16.

10. Smt.Saraswathy  
D/o Arjun Rao,  
Aged about 60 years,  
57-B, Rudrappa Garden,  
Vivekanagar Post,  
Bangalore – 47.

11. Sri.Keshavelu  
S/o Raghvalu,  
Aged about 64 years,  
57-B, Rudrappa Garden,  
Viveknagar Post,  
Bangalore – 47.

12. Smt.Fathima  
Aged 73 years,  
Block No.14,  
House No.22,  
EWS Corporation Quarters,  
Koramangala,  
Bangalore – 560 047.

13. D.Arul  
S/o late David,  
Aged 63 years,  
7<sup>th</sup> Main Road,  
2<sup>nd</sup> Cross, 2<sup>nd</sup> Stage,

Rajendranagar,  
Viveknagar,  
Bangalore – 560 047.

14. Sri.G.Shanmugam  
S/o M.Gopal,  
Aged about 58 years,  
Block No.18,  
House No.21,  
E.W.S Compound,  
Koramangala,  
Bangalore – 560 047.

15. S.Marian Alfred  
S/o late T.John,  
Aged about 54 years,  
Door No.151,  
Old Cement Lane,  
Austin Town,  
Bangalore – 560 047.

16. K.Shivanna  
S/o Kupanna  
Aged about 61 years,  
32/1, "G-16"th Street,  
Jogupalaya,  
Bangalore – 560 008.

17. Sri.S.John Dass  
S/o C.Savarimuthu,  
Aged 53 years,  
No.65, 17<sup>th</sup> Cross,  
3<sup>rd</sup> Stage,  
Ambedkarnagar,  
Viveknagar,  
Bangalore – 560 047.

18. Smt.Queeni  
W/o late K.James  
Aged about 50 years,  
No.27, 2<sup>nd</sup> Main,  
Ambedkarnagar,  
Koramangala,  
Bangalore – 560 047.

19. Smt.Savithramma  
W/o Rajanna,  
Aged about 61 years,  
No.143, M.M.Garden,  
Neelasandra,  
Bangalore – 560 047.

20. Nabesabi  
W/o Aneef  
Block No.41, Flat No.36,  
E.W.S Compound,  
Koramangala,  
Bangalore – 560 047.

21. Smt.K.Usha  
D/o Chikkavenkittappa  
Aged about 46 years,  
No.6, Ramaswamy Road,  
Sudama Nagar,  
Bangalore – 560 027  
Represented by her  
G.P.A.Holder  
K.Sundaramurthy,  
S/o Karupaiah,  
Aged 39 years,  
No.9, L No 7<sup>th</sup> Street,  
Ashok Nagar,  
Bangalore – 560 025.

22. Smt Devi M.  
W/o Varadaraj,  
Aged about 53 years,  
No.22(3), 5<sup>th</sup> Cross,  
Magadi Road,  
Bangalore – 560 023  
Represented by Mrs.Lilly Rosaline  
W/o late Anthony Richard,  
Aged about 62 years,  
No.1602, Block No.49,  
3<sup>rd</sup> Stage, B.D.A Austin Town Layout  
Bangalore – 560 047.

23. Sri.P.M.Rajendran  
S/o Pitchakkaran,  
Aged about 41 years,

C/o Namakali Transport,  
2<sup>nd</sup> Cross 1<sup>st</sup> Main,  
N.T.Pet, Bangalore – 560 002  
Represented by Smt.D.Susaimary  
W/o late Stanislas Raj,  
Aged about 58 years,  
No.1694, B.D.A C-23,  
Austin Town Layout,  
Bangalore – 560 047.

24. Sri.C.Sigamani  
S/o Narayana,  
Aged about 54 years,  
No.45/5, 4<sup>th</sup> Cross,  
Ayyappa Block,  
Vivekanagar Post,  
Bangalore – 47,  
Represented by his  
Power of Attorney Holder  
V.Krishnaswamy,  
S/o Veeranna Shetty,  
Aged about 57 years,  
House No.33,  
Block No 1,  
EWS Corporation Quarters,  
Koramangala,  
Bangalore – 560 047.

25. Smt.Menaka Gopala  
W/o Gopalan,  
Aged about 70 years,  
No.A/136, 1<sup>st</sup> Cross,  
Magadi Road,  
Bangalore –23,  
Represented by her  
Power of Attorney Holder,  
Mrs.Josephine Felicita,  
C/o Mrs.Lilly Roslin,  
Aged about 48 years,  
No.1602, Block No.49,  
3<sup>rd</sup> Stage, BDA Austin Town Layout,  
Bangalore – 47.

26. Sri.R.Rameshkumar  
Aged about 58 years,



No.2, Corporation Quarters,  
Barley St.Cross,  
Shantinagar,  
Bangalore -560 047,  
Represented by his  
Power of Attorney Holder  
Smt.Channammal,  
W/o M.Keulu,  
Aged about 60 years,  
EWS Corporation Quarters  
No.8, Block No.42,  
Koramangala,  
Bangalore - 560 047.

27. Sri.P.Velu  
S/o late Ponnuswamy,  
Aged about 58 years,  
No.59, Mackan Road,  
Bangalore - 560 001,  
Represented by his  
Power of Attorney Holder  
G.Sampath Rajan,  
S/o Gunasekharan,  
Aged about 51 years,  
No.W-Type House No.57,  
H.M.T Colony,  
Bangalore - 560 031

28. Sri.Janaki Ram M.,  
S/o late Muniswamy,  
Aged about 56 years,  
No.128, Seppings Road,  
Bangalore -560 001,  
Represented by his Power of  
Attorney Holder  
Sri.G.Sampath Rajan,  
S/o Gunasekharan,  
Aged about 51 years,  
No.W Type House No.57,  
HMT Colony,  
Bangalore - 560 031.

29. Smt.Khurshid Unnisa  
D/o Sri.Mohammed Ghouse,  
Aged about      years,

No.23, `C' Road,  
11<sup>th</sup> Cross, H.M.Road,  
Padarayanapura,  
Bangalore -26,  
Represented by his Power of  
Attorney Holder  
Sri.A.Devirajan,  
W/o Sri.Selva Rajan,  
Aged about 35 years,  
No.13, Appu Mutrition,  
Veerassandra, Industrial Estate,  
19 K.M., Hosur Road,  
Bangalore -560 058.

30. Sri.S.Ravi  
S/o Sampangi,  
Aged 47 years,  
No.13, Balaya Naidu Street,  
Vannarpet,  
Viveknagar Post,  
Bangalore - 47  
Represented by his  
G.P.A Holder  
Smt.M.Pushpa  
W/o Murugesh,  
No.17, Block No.30,  
E.W.S Quarters,  
Koramangaia,  
Bangalore - 560 047.

31. Sri.N.Vijayakumar  
S/o Nitesh Kumar,  
Aged about 51 years,  
No.24, Dispensary Extension,  
Kalasipalayam,  
Bangalore -02  
Represented by his Power of  
Attorney Holder  
Smt.Jameela Begum,  
D/o Mohd.Ghouse  
Aged 40 years,  
No.14, 1<sup>st</sup> Floor, 23<sup>rd</sup> Block,  
Koramangala,  
Bangalore - 47.

32. Sri.Imthiaz Basha  
S/o Dastagir Sab,  
Aged about 47 years,  
Peer Boundary,  
Cotton Pet Main Road,  
Bangalore – 560 053,  
Represented by G.P.A Holder  
A.P.Robert,  
S/o F.Anthony,  
Aged about 66 years,  
22/7, Nadagatta,  
Ejipura,  
Viveknagar,  
Bangalore – 560 047.

33. Sri.K.Ramesh  
Represented by his GPA  
A.Shanthi,  
Block No.39, House No.6  
EWS Quarters  
Vivek Nagar,  
Bangalore – 560 043.

34. P.V.Thiruimurugan  
No.52, M.M.Road,  
Doddigunda,  
Cox Town,  
Bangalore – 560 005.

35. Smt Pushpa Jayanthi  
W/o Jagannath  
Aged about 32 years,  
Eegipura Main Road,  
Bangalore.

36. Sri.Udaya Subyan K.  
No.33, London Street,  
Yellegunde Palyam,  
Bangalore.

37. Sri.C.Moola Kondaiah  
No.42/1, Ambedkar Nagar,  
2<sup>nd</sup> Stage, Vivek Nagar,  
Bangalore – 560 047.

38. Smt.Rosy Marry  
D/o Zakiras,  
No.59, Masjid Street,  
Muniswamy Garden,  
Anepalya, Neel Sandra,  
Bangalore – 560 047.

39. Sri.Rajamani  
S/o Venugopal,  
No.119, 4<sup>th</sup> Cross,  
Viveknagar Extension,  
Bangalore – 560 047.

40. Sri.A.M.Shivalingam  
S/o Motaiah,  
No.40, Old Cement,  
Austin Town,  
Viveknagar Post,  
Bangalore – 560 047.

41. Smt.Majula  
W/o Shivalingaiah  
No.12, Block No.38,  
EWS Quarters,  
Bangalore.

42. K.Sundara Murthy  
Represented by GPA  
Mrs.Bharathi Venkata Rao,  
No.30, Corporation EWS Quarters,  
Kormangala,  
Bangalore – 560 047.

43. Aslam Khan  
S/o Sri.Ameer Jan,  
R/at: No.14,  
Old Kasi Road,  
Bangalore – 560 002.

44. Smt.Chandra  
S/o Narayan Swamy,  
No.240, 5<sup>th</sup> Cross,  
Austin Town,  
Bangalore.

45. Sri.Ravi  
S/o Thangaraj  
No.12, 7<sup>th</sup> Cross,  
Sonnenahalli,  
Vivek Nagar,  
Bangalore.

46. Smt.Saraswathi Amma  
W/o Sri.Balakrishna  
No.8, 2<sup>nd</sup> Batru Thensen Road,  
Rannaer Pete,  
Bangalore – 560 047.

47. Smt.Geeth  
W/o B.Shekhar  
No.7, 2<sup>nd</sup> Batri Thansen Road,  
Ranar Pete,  
Bangalore – 560 047.

48. Smt.Devika Jagannath Pille  
W/o Jagannath Pille,  
No.9, 2<sup>nd</sup> Batri Thansen Road,  
Ranar Pete,  
Bangalore – 560 047.

49. Smt.Rani  
W/o Jagannath Pille  
No.9, 2<sup>nd</sup> Batri Thansen Road,  
Ranar Pete,  
Bangalore – 560 047.

50. Sri.Devaraju K.  
S/o Kolandai Swamy,  
No.83, 2<sup>nd</sup> Cross,  
Vivek Nagar,  
Bangalore – 560 047.

51. Smt.Suguna Das  
W/o Das  
Opp. Rama Temple,  
Dekappa Compound,  
Eegipura,  
Bangalore.

52. Smt.Shahajadi Begam

W/o Anwar Begh  
No.22, East Street,  
Neelasandra,  
Bangalore.

53. M.Velu  
S/o Murugesh  
No.84, 2<sup>nd</sup> Cross,  
Sonnehalli,  
Vivek Nagar,  
Bangalore.

54. Smt.Sharadamma  
W/o Jeevarathnam  
No.12, S.M.Road,  
Vannar Pete,  
Bangalore – 560 047.

....Respondents

(By Sri Anniyan Joseph, Advocate and Sri Clifton Rozario,  
Advocate for R-4;  
Smt.Anna Lucia, Advocate for R-5 to R-32;  
Sri D.N.Nanjunda Reddy, Sr.counsel a/w Sri R  
Subramanya, Advocate for M/s.Ashok Haranahalli  
Associates, Advocates for R-2;  
Sri S Sriranga, Advocate for M/s.Just Law, Advocates for  
R-3;  
Sri R Devadas, AGA for R-1;  
Sri K Chandrakanth Ariga, Advocate for R-33 to R-54.)

This Writ Petition is filed under Articles 226 and 227  
of the Constitution of India praying to direct the first  
respondent to allocate funds as directed expeditiously start  
the reconstruction of the demolished E.W.S quarters, etc.

This Writ Petition coming on for orders this day, Chief  
Justice made the following:

ORDER

Vikramajit Sen, CJ (Oral)

Office objections on the amended memo of parties is  
over-ruled in view of specific orders passed by the Court

directing the applicants to be arrayed/impleaded as Respondents. Amended memo of parties is taken on record.

2. So far as list of allottees prepared by BBMP and filed in these proceedings, if there are any parties who hold valid Lease-cum-Sale documents, Agreement and/or an Allotment letter, such persons may approach BBMP for correction of the list. Learned Sr.Counsel appearing for BBMP states that each such complaint/request if any would be duly considered and decided on merits. Said submission is placed on record.

3. Allotment of 1512 Flats shall be carried out by BBMP by draw of Lots.

4. Concession Agreement between Respondent No.2 and Respondent No.3 shall remain in force except where the provisions are contrary to the Agreement – Exhibit-C which has been duly signed by Petitioners – EWS Welfare Association and counsel for Petitioners as well as newly impleaded Respondents on the one hand and by Respondent Nos.2 and 3 together with their respective Advocates.

5. Learned AGA states that Respondent No.1 has no objection if the Agreement is given the imprimatur of the Court.

6. It is observed that some of the Petitioners have not subscribed their signatures or their thumb impressions to Exhibit-C. Their counsel submit that each one of them has agreed to the terms of Agreement - Exhibit-C but for one reason or the other are physically unable to subscribe their signature or their thumb impressions. Similar position obtains sofar as some of the impleaded Respondents are concerned.

7. We have carefully perused the terms of Exhibit - C and are satisfied that it is to the advantage of the original allottees of the subject lands. This Writ Petition is in public interest and therefore Exhibit-C shall bind all original allottees or 1512 original allottees regardless of whether they have signed Exhibit-C or not. Several of the Petitioners are present in Court and affirm the submissions made by counsel for Petitioners and counsel for newly added Respondents.

8. Sofar as Stamp Duty on the conveyance which will ultimately be executed is concerned, we are of the view that provisions of Section 2(1)(mm) of the Karnataka Stamp Act,



1957 clarifies that market value shall be the price mentioned in the Lease-cum-Sale Agreement or Allotment letter (in original) as the case may be.

9. Learned AGA submits that so long as the conveyance mentions the price contained in the original Lease-cum-Sale Agreement and/or Allotment letter, Sub-Registrar would have no objection treating that price as the market price. We clarify that BBMP shall only mention the price in the Lease-cum-Sale agreement executed earlier as the sale consideration for the allotment now being made in respect of the EWS Flats now being constructed by Respondent No.3 under the agreement.

10. Registry is directed to place any Writ Petition if filed in future pertaining to project of 'Development of Housing Complex for Economically Weaker Sections at Koramangala, Bangalore' before Court Hall No.1 along with the papers of the instant Writ Petition.

11. All those desirous of taking up the offer of Rs.30,000/- in lieu of alternate re-location/rehabilitation shall do so within two weeks from today. Respondent No.3 shall tender aforementioned payment by cheque or DD drawn in the name of original allottee who are residing in

the site, in terms of the Joint memo. Such person shall vacate the premises within 15 days thereafter.

12. Respondent No.2 has made available five acres of land in Iglur on Hosur Road for rehabilitation of 1512 original allottees minus those who have accepted Rs.30,000/- . Respondent No.2 undertakes to handover possession of the site within 15 days from today to Respondent No.3 who shall immediately thereupon construct temporary transit sheds and other infrastructure for temporary rehabilitation of the said original allottees, within four weeks thereafter.

13. In view of the above arrangement, we are satisfied that there will be no justification for any person to remain on the present site after six weeks from today. Accordingly, Respondent No.2 shall have the authority to evict/eject all occupants from the present site after 8<sup>th</sup> October, 2012 and if necessary taking the aid/assistance of police force.

14. Learned AGA undertakes to the Court that there shall be adequate Police presence, protection and Patrolling on the present site 24 hours in order to provide safety and security to persons concerned. This arrangement shall continue till 8<sup>th</sup> October, 2012. This order should not be

understood to indicate that thereafter BBMP shall not be entitled to seek Police aid.

Public Interest Litigation stands disposed of in the above terms.

Sd/-  
CHIEF JUSTICE

Sd/-  
JUDGE

sp