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IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 17TH DAY OF SEPTEMBER 1996

BEFORE

THE HON'BLE MR. JUSTICE CHANDRASHEKARA IAH

WRIT PETITION No.2357/1993

Between:

K.Krishnappa
S/o late Kuppaswamy,
aged 49 years,
Site No.929A,
Vijayanandanagar Slum,
Yeshwanthapura Post,
Bangalore 560 032.

137-138
..Petitioner

(By Smt.M.N.Pramila, advocate)

And:

1. Bangalore Development Authority,
Kumara Park West, Bangalore-20
by its Commissioner.

2. Bhagyamma,
major, Site No.929,
Vijayanandanagar,
Yeshwanthapur Post,
Bangalore 560 022.

..Respondents.

(By Sri.N.K.Patil for R1
Sri.S.M.Patil for R2
Sri.K.Ramegouda for R1)

This Writ Petition is filed under Artiles 226 and 227 of the Constitution of India praying to declare that the allotment of Site No.929 measuring 18' x 25' situated at Vijayanandanagar Slum, Yeshwanthapur Post, Bangalore-22, if made in favour of the 2nd respondent is null and void and direct the 1st respondent to grant site No.929 measuring 18' x 25' situated at Vijayanada nagar Slum, Yeshwanthapur Post, Bangalore-22 in favour of the petitioner.

This Writ Petition coming on for hearing this day, the Court made the following:-

ORDER

The petitioner in this writ petition has sought for declaration that the allotment of Site No.929 made in favour of the 2nd respondent is null and void. The case of the petitioner is that he has made representation seeking allotment of the site in his favour and the authorities have not considered his representation for allotment. It is not the case of the petitioner that he made his application pursuant to the Notification calling applications for allotment of sites. Such being the case, no direction can be issued to the authorities to consider the representation of the petitioner as it is not an application pursuant to the notification calling applications for allotment of sites. Even according to the averment of the petitioner, the site in question had already been allotted in favour of 2nd respondent on 17.7.1990. Hence no direction can be issued to the authorities.

Accordingly this writ petition is rejected.

Sd/-
Judge

