IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 04TH DAY OF MARCH, 2020

BEFORE

THE HON'BLE MR.JUSTICE P.B. BAJANTHRI

WRIT PETITION NO. 6664/2019 (LA-BDA)

BETWEEN:

1. SMT. SUREKHA
D/O LATE SATHYENDRA
AGED ABOUT 43 YEARS,

2. SMT. ANURADHA
D/O LATE SATHYENDRA
AGED ABOUT 39 YEARS

3. SMT. SHWETHA
D/O LATE NAGARAJ
AGED ABOUT 33 YEARS,
ALL ARE REPRESENTED BY THEIR
GPA HOLDER, SRI. SRINIVAS REDDY,
S/O S. SIDDAREDDY,
AGED ABOUT 48 YEARS,
R/AT NO.11, 1ST CROSS, "SHANTHIVANA"
SAHAKARANAGAR, BANGALORE – 560 092

... PETITIONERS

(BY SRI. NAGABHUSHANA .S., ADVOCATE)

AND:

1. THE BANGALORE DEVELOPMENT
AUTHORITY, T. CHOWDAIAH ROAD,
KUMARA PARK WEST,
BANGALORE - 560 020,
REPRESENTED BY ITS COMMISSIONER

2. DEPUTY COMMISSIONER,
LAND ACQUISITIONS, (BDA)
T. CHOWDAIAH ROAD,

KUMARA PARK WEST,
BANGALORE – 560 020,

3. SPECIAL LAND ACQUISITION
OFFICER, T. CHOWDAIAH ROAD,
KUMARA PARK WEST,
BANGALORE – 560 020, ... RESPONDENTS

(BY SRI. SACHIN B.S., ADVOCATE FOR R-3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECT THE RESPONDENTS TO ALLOT AN ALTERNATE PROPERTY TO THE PETITIONER WITHOUT DEMANDING FOR ANY SALE CONSIDERATION AND ETC.,

THIS PETITION IS COMING ON FOR PRELIMINARY HEARING 'B' GROUP, THIS DAY, THE COURT MADE THE FOLLOWING:-

ORDER

In the instant petition petitioner has sought for writ of mandamus and consideration of representation Annexure-G dated 07.1.2019. Grievance of the petitioner is that the respondent – BDA proceeded to acquire the petitioner's property way back in the year 1982. Such acquisition is without acquisition proceeding. After lapse of these many decades, petitioner submitted representation for consideration of allotment of alternative property. The petitioner has not apprised this Court relating to

delay and laches in filing the present petition. No doubt, there is no limitation for filing of writ petition, at the same time, one cannot loose sight of lathes on the part of the petitioner.

2. Apex Court in the case of ***State of Jammu and Kashmir V/s. R.K.Zalpuri and others*** reported in ***AIR 2016 SC 3006 paragraph-20*** has held as under:

> *"20. Having stated thus, it is useful to refer to a passage form City and Industrial Development Corporation V/s.Dosu Aardeshir Bhiwandiwala and others(6), wherein this Court while dwelling upon jurisdiction under Article 226 of the Constitution, has expressed thus:-*
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> *"The Court while exercising its jurisdiction under Article 226 is duty-bound to consider whether:*
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> *(a) Adjudication of writ petition involves any complex and disputed question of facts and whether they can be satisfactorily resolved;*

(b) The petition reveals all material facts;

(c) The petitioner has any alternative or effective remedy for the resolution of the dispute;

(d) Person invoking the jurisdiction is guilty of unexplained delay and laches;

(e) Ex facie barred by any laws of limitation;

(f) Grant of relief is against public police or barred by any valid law; and host of other factors"

(Underline emphasized)

3. Accordingly, the present petition stands dismissed on the ground of delay and laches.

Sd/-
JUDGE

BS