

**KARNATAKA LOKAYUKTA**

No. Compt/Lok/BCD/218/2011/ARE(2)

M.S. Building,  
Bangalore,  
Date: 23-10-2014

Sub:- Report u/Sec. 12(3) of Karnataka Lokayukta Act  
1984.

Ref:- Complaint No. Compt/Lok/BCD/218/2011/ARE(2)

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With reference to the Complainant Sri K. Suryanarayana S/o Late Sri R. Krishnappa, No. 22/42, 1stcross, Chanakya lay out, Nagavara, B'lore 045 along with Sriyuths B. Anjanappa, S/o Late Bachanna, K. Krishnappa, S/o Late Koopaiah, A. Arogya swamy, S/o Joojappa and R. Venkatesh, S/o Ramaiah has submitted complaint on 21-04-2011 against:

- R-1 Sri Karunakara Reddy, the then Revenue Minister**
- R-2 Principal - Revenue Secretary.**
- R-3 BDA Commissioner**
- R-4 BBMP Commissioner &**
- R-5 Spl. Land Acquisition Officer,**

under the following circumstances.

- a. The complainant and others own agricultural lands at Nagavara village. The Spl. Deputy Commissioner, Bangalore published preliminary notification NO. Cr.455/84-85 dated 22.12.1984/3-01-1985 u/Sec. 4(1) of Land Acquisition Act, proposing to acquire 116 acres of fertile agricultural land in Nagavara Village belonging to complainant and others for the benefit of M/s Vyalikaval House Building Co-operative Society. Final notification No. RD/183/AQB/82 dated 21.02.1986 also came to be issued by the revenue department of the Government. Award was passed on 16.11.1987.

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- b.** One Narayana Reddy and others filed batch of writ petitions in W.P. 17775/1982 and series, challenging the acquisition of the land for the benefit of bogus housing society. As this led to public criticism, a statutory enquiry was directed by the Registrar of Co-operative Society u/Sec. 64 of Karnataka Co-Operative Society Act and the said enquiry was entrusted to G.V.K. Rao committee. After the said committee submitted its report, Hon'ble High Court, on the basis of the said committee report, conclusively held that the above acquisition proceedings were initiated under colourable exercisable power by the Authorities concerned and accordingly quashed the acquisition proceedings in respect of several housing society including M/s Vyalikaval House Building Co-operative Society under its common order passed in the above writ petition. The said decision is reported in ILR 1991 KAR.PAGE 2248. The said Societies preferred special Leave Petitions/Civil Appeals before Apex Court. Even SLP and civil appeal filed before Apex Court also came to be dismissed.
- c.** Further, in HMT House Building Co-Operative Society vs. Syed Kadar (ILR 1995 KAR.1962), Hon'ble Apex Court held that acquisition made in favour of society were illegal on account of fraudulent actions and colourable exercisable power. The Apex court further directed restoration of the lands to the land owners. The said directions given by the Hon'ble Apex Court are to be given effect to by all the authorities concerned.
- d.** The office bearers of the Society in collusion with private developers namely M/s Shakti Promoters and Developers continued fraudulent activity in relation to Nagavara Lands and in collusion with one Prasad Reddy as many as more than 350 sites came to be sold to one person. The said developers in collusion with office bearers of the society also illegally influenced the BDA officials and obtained sanctioned plan. The said sanction orders came to be cancelled by BDA. Thereafter, the society filed WP 12356 /2005(BDA) Challenging the said endorsement. Hon'ble High Court of Karnataka quashed the

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said endorsement after reserving liberty to BDA. The BDA officials did not take any steps.

- e. The office bearers of the society and the Developers further continued their fraudulent activity in creating sale deed in favour of M/s L & C constructions Private Limited during the year 2006. The said company is none other than fictitious and fraudulent company of the very same developers Sri Lakshman and one Sri B.G. Channeppar. And the said transactions have been done during the pendency of W.P. 25394/2004(LA-BDA).
- f. The Govt. of Karnataka issued G.O. No. 72 AQB: 2001-02 Dated 04.06.2001, deciding that the State Government should not acquire any land for the purpose of housing society and if any such societies require land, they have to directly negotiate with concerned land owners. Despite this policy decision of the Government, the concerned authorities without taking action continued to collude with the officer bearers of the society and the developers in harassing poor land owners. So far, steps are not taken to restore the lands to the land owners, despite the direction given by the Apex Court in HMT case.
- g. On account of middlemen and agents indulging in fraud, and land owners being not paid proper compensation, and the lands of poor land owners were grabbed under the guise of acquisition proceedings. In this behalf, when a representation dated 24.01.2007 was submitted to the then Chief Minister, an endorsement dated 01.02.2007 were issued stating that the subject matter shall be examined and action will be taken in the matter of release of lands from the acquisitions proceedings.
- h. Vyalikaval House Building Co-operative society had illegally obtained to the tune of 14.96 crores by giving security of 164 acres and 24 guntas of land in Nagavara village. The society failed to repay the loan. The recovery officer of DCC bank proceeding to put the land for auction sale to realize Rs. 14,25,79,000/- due to DCC bank. During the 1<sup>st</sup> week of Jan. 2000, the society filed revision petition before Government and sought for stay of auction on lands u/Sec. 108 of

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Co-operative Societies Act. Thereafter, through Shakti Promoters and Developers represented by said Lakshman, the office bearers of said societies came up with joint development agreement dated 16.01.2002 and submitted a memorandum of settlement entered with the bank, to the Government along with the representation. A meeting was also convened before the Registrar of the Co-operative Society on 27.01.2002 and on coming to an understanding, it was decided to take steps and there after a meeting was convened by Hon'ble Minister for Co-operation and direction was issued to follow the Memorandum of understanding. Subsequently, on 26.02.2002, in revision petition No. 2/2000, Hon'ble Minister for Co-operation passed an order directing that the societies shall follow the conditions contained in the memorandum of understanding and complete Nagavara Housing lay out. The said Joint Development Agreement, Memorandum of Understanding etc., are all illegal and they are aimed at defeating the public purpose and development Board, land owners and also poor members of the society. In this context, the office bearers of the society in collusion with co-operation department of the government and the developers acted illegally and misused the powers for collateral consideration, in respect of 82 acres of land worth 1230/-crores and the said lands have been given to the developers under the guise of Joint Development agreement.

i. Despite various judicial pronouncements of Hon'ble Apex Court and Hon'ble High Court, the office bearers of society at the instance of vested interest, have deprived in land owners of their land. The State Government and concerned authority have not taken corrective steps for restoring the lands of the above land owners and thereby substantial injustice has been caused.

2. When comments of respondents 2 to 5 were called, the Revenue Secretary through letter dated 26.08.2011, has informed that in obedience to the direction given by Hon'ble High Court and also by Hon'ble Apex Court in Narayana Reddy's case and also Syed Kadar's case, the acquisitions made for Vyalikaval House Building cooperative

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society and five other house building societies were cancelled and directions have been issued for handing over those lands to the respective land owners and the said directions have been implemented. It is further mentioned that the above directions given by Hon'ble Apex Court do not apply to the lands of Nagavara acquired for Vyalikaval house building co-operative society and thereby the lands had not been returned. It is further mentioned in the said letter that in the light of the Apex Court order dated 02.02.2007 in civil appeal nos. 2086-2087 (V. Chandrappa's case), the matter was referred to the Law department and after getting the opinion, Government issued letter No. RD: 134: LAQ-B: 2007 dated 05.02.2009, directing the special LAO, Bangalore to return the lands to such of the land owners who had given the representation and refunded the compensation amount already received and this letter was challenged by the above society by presenting representation to the Hon'ble Revenue Minister and pending consideration of the said representation, further action was prayed. It is further mentioned that the matter was again referred to the Law department, seeking clarification as to whether the directions given by the Hon'ble Apex Court regarding restoration of lands is confined to the parties to the respective cases or to all the lands owners of Nagavara. It is further mentioned that Law department have now given opinion and accordingly further action will be taken.

3. Asst. Revenue Officer, BBMP, HBR Layout sub division, BDA complex, B'lore addressed a letter dtd. 05.06.2014 to this office , stating that BBMP effects katha in respect of converted property only and no katha is being effected without conversion order and if any person obtains katha by misrepresentation or suppression of facts or by producing fraudulent documents, actions will be initiated u/Sec. 114-A of Karnataka Municipal Corporation Act 1976. Copy of this letter was sent along with covering letter dtd. 30.06.2014 by BBMP Commissioner.

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4. BDA - Commissioner in his letter dated 03.05.2014 has mentioned that resolution no. 156/2003 dated 12.09.2003 had been passed by BDA for acquiring 98 acres and 21 guntas of land in Nagavara village, Kasaba Hobli, Bangalore North Taluk, and in furtherance of the said resolution, work order had been issued on 30.05.2003 and pursuant to the decision of Apex Court in civil appeal No. 1930/2012 dated 07.02.2012 after taking legal opinion in the matter, a resolution was passed on 16.05.2012 in respect of subject no. 115/2012, cancelling the work order dated 30.09.2003 and also the approval of the lay out plan dated 12.09.2003, in the light of the direction given by Apex Court.
5. When copies of the comments sent by the above respondents were sent to the complainant for rejoinder, the complainant submitted rejoinder on 13.08.2014, stating that the replies submitted by Under Secretary to Revenue department (Land Acquisition-2) on behalf of Principal Secretary to Revenue Department are vague and evasive and the acquisition notification in question are not cancelled/withdrawn in the light of the decision of Apex Court in civil appeal no. 1930-1932/2012 dated 07.02.2012. He further mentioned that Govt. order dated 07.08.2013 issued regarding the return of land to the owners was challenged by the Vyalikaval society in W.P. no. 32482-32485/2013 and connected matters and Hon'ble High Court passed orders thereon on 04.03.2014. It is further mentioned that BBMP/BDA has not clarified as to what steps have been taken for cancelling katha issued to the allottees of the site by Vyalikaval HCSL and what steps have been taken to stop various development and constructions in Nagavara village and there is total dereliction of the duties on the part of BBMP Commissioner and BDA Commissioner.
6. The Complainant Mr. Suryanarayan is Owner of Agricultural lands bearing Sy. no's 77/3A & 77/3B of Nagaravara village. Under preliminary notification LAQ(1):cr.455/1984-85 dated 22.12.1984/03.01.1985 issued by Spl. D.C. Bangalore, several lands of Nagavara



village, Kasaba hobli, Bangalore north Taluk including lands of complainants were notified for acquisition for the purpose of providing sites to the members of Vyalikaval house building co-operative society Bangalore. This notification was issued u/Sec. 4(1) of Land Acquisition Act. Final notification bearing NO. RD 183 AQB 82 Dated 21.02.1986 issued under Land Acquisition Act was published in Karnataka gazette dtd. 24.02.1986. The said final notification and also similar notification concerning other house building co-operative societies namely Vyalikaval house building co-operative society, HMT employee co-operative society, Bank officers co-operative society, RAMCO employees house building co-operative society, Amar Jyothi Co-operative society, Bangalore - Chikkapet house building co-operative society and Jayanagar house building co-operative society- all came to be challenged in a batch of 84 writ petitions. These writ petitions were clubbed and heard by a division bench and as per decision in Narayana Reddy vs. State of Karnataka, ILR 1991 KAR 2248, the said writ petitions came to be allowed, holding that the materials placed before court clearly established that in fact and in truth, the acquisition of large extent of land sought by the above societies were not for the purpose of any bonafide housing scheme for the benefit of bonafide members of the co-operative society concerned, but, were substantially for the purpose of indulging in the real estate business namely sale of site in the guise of allotment in favour of either bogus members or in favour of intending purchasers by enrolling them as associate members for the purpose, and making money by those in charge of the society and their agents with whom the society had entered into agreements by exploiting the existence of the great demand for sites and the sky rocketing price for them in the city. The quashing of final notification was confined to the lands of the respective writ petitioners in the said batch of writ petitions.

7. HMT house building co-operative society and other societies affected by the judgment in the above case (Narayana Reddy's case) went in civil appeals before the Apex Court. The Apex Court confirmed the judgment in Narayana Reddy's case and dismissed the civil appeals.

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Relevant portion of the order passed by the Apex court in the said civil appeals arising out of SLP 11482-90/1991 reads as under.

*"We direct that as a result of quashing the land acquisition proceedings including the notification as aforesaid, the possession of the lands shall be restored to the respective land owners irrespective of the facts whether they had challenged the acquisition of the lands or not. On the restoration of the possession to the land owners, they shall refund the amount received by them as compensation or otherwise in respect of their lands. The appellant respondent and the State Government including all concerned authorities/ persons shall implement the aforesaid direction at an earlier date."*

8. In HMT House building co-operative society vs. Syed Kadar, ILR 1995 KAR 1962, the said society was registered for the purpose of acquiring land by purchase, mortgage, lease, exchange, gift or otherwise and to develop the same by formation of roads, drains, parks playgrounds, construction of schools, hospitals, water works, post office and other amenities required for the residential housing colony. The society submitted housing scheme to the State Government on 19.09.1984 for the purpose of acquisition of land situated at Tindlu and Chikkabettahalli, for its 1001 members. The said scheme was approved by Government by order dated 07.11.1984 and government accorded approval for the initiation of acquisition proceedings. On 17.03.1988, the said society entered into an agreement with State Government, agreeing to the conditions for acquisition. Preliminary notification u/Sec. 4(1) was issued on 12.07.1988, proposing to acquire 133.33 acres in the above two villages. The preliminary notification came to be challenged in writ petitions filed before Hon'ble High Court and during the pendency of the writ petition, Govt. issued final notification u/Sc. 6(1) of the Land acquisition Act in respect of 99.01 acres of land in the said two villages, for HMT HBCS. However, Writ petition came to be allowed on 18.06.1991 and High Court quashed all steps taken in connection with the acquisition. Against that order, appeal came to be filed before Apex Court. While dismissing the appeal filed by the society, a direction was





issued by the Apex Court for the restoration of the possession of the lands to the respective land owners. There was also a direction to the land owners to refund the amount received by them.

9. In the light of the aforesaid decision rendered by the Hon'ble High Court and Apex Court, the State Government, after taking the opinion of the Law Department, issued Govt. order RD:134:Bu.swa.Di:B:2007 dtd. 04.06.2013 for restoring 165 acres and 30 guntas of land which had been acquired for the benefit of Vyalikaval house building co-operative society, to the respective land owners. The said Govt. order came to be challenged by Vyalikaval house building co-operative society and others in writ petitions 32482-32485/2013 and connected matters. These writ petitions came to be disposed of by common order dated 04.03.2014. HHCK allowed the writ petitions for the reasons that the said society in compliance with the judgment of the Apex court has filed a compliance report of having handed over the possession of land acquired by the State Government for its benefits, to the respective land owners and some of those owners have filed objection before Apex court with respect to the said compliance report and the Supreme Court is yet to pass final order on the compliance report. HHCK observed that in case the said compliance report filed by the society is accepted by the Supreme Court, the matter will be finally closed and in that event, it would not be possible for the State Government to pursue the impugned Govt. order. A direction was given to State Government to await the opinion of the Apex Court regarding the above compliance report. HHCK held that the impugned order dated 04.06.2013 issued by the Revenue department during the pendency of the matter before the Apex court is premature.
10. The decision referred in the Para 8 above namely HMT house building Co-operative society vs. Syed Kadar, ILR 1995 KAR 1962 dated 21.02.1995 pertaining to the acquisition of 133.33 acres of lands of Tindlur and Chikkabettahalli villages under Preliminary notification dated 12.07.1998 has been identified as Ist HMT Case. In that case, after dismissing the civil appeals, 3011-3019/1995 arising out of the SLP(C) No. 11482-11490/1991, a direction was given that as a result of

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quashing the land acquisition proceedings including the impugned notification, the possession of the lands restored to the respective land owners irrespective of the fact whether they had challenged the acquisition of lands or not. A further direction was also given that on restoration of the possession of the land owners, they shall refund the amount received by them as compensation or otherwise in respect of their lands.

11. In Narayan Reddy's case, pertaining to the acquisition of Nagavara and other village lands, the particulars of preliminary and final notifications, and the names of the societies whose favour, the acquisitions were made, are as under.

Date of Preliminary Notification	Date of Final Notification	Names of the Society in whose favour the land is acquired.
17-12-1984	21-02-1986	Vyalikaval House Building Co-operative Society.
12-07-1988	11-08-1989	H.M.T. Employees Co-operative Society.
18-01-1985	28-02-1986	Bank Officers' Co-operative Society.
16-09-1986	03-10-1987	REMCO Employees' House Building Co-operative Society.
03-12-1986	08-01-1988	Amar Jyothi Co-op. Society.
04-09-1986	22-01-1988	Bangalore Chickpet House Building Co-operative Society.
06-11-1986	23-01-1988	Jayanagar House Building Co-op. Society.

The above acquisition notifications were quashed by division bench of Hon'ble High Court of Karnataka after holding that the acquisition proceedings is vitiated due to arbitrariness malafide and violation of provisions of the land acquisition Act. Some of the above housing building co-operative societies challenged the decision in Narayana Reddy's case before Apex Court. The said appeals were dismissed by three judge bench of Apex Court in HMT, HBCS vs. Syed Kadhar 1995 2SCC page 677(1<sup>st</sup> HMT Case) Appeals filed by Vyalikaval HBCS and some other housing societies came to be dismissed by three judge bench of Apex Court vide 1995 (3) SCC 128 (2<sup>nd</sup> HMT Case).

12. Undeterred by adverse judgment of High Court in Narayana Reddy's case and Apex Court in HMT case, the Vyalikaval HBCS succeeded in

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persuading additional registrar of Co-operative society to submit proposal dated 23.06.1999 for re-acquisition of land which was subject matter of earlier litigation. On 05.07.1999, Deputy secretary(Land Acquisition) in revenue dept. Government issued endorsement , giving an impression that the State Government has approved the reacquisition of 65.33 acres of land of Nagavara u/Sec. 3(f) (vi) of Land Acquisition Act. Special Deputy Commissioner issued preliminary notification dated 28.07.1999 u/Sec. 4(1) of Land Acquisition Act and this was published in Karnataka Gazette dated 29.07.1999. Some of the land owners filed WP: 30629 and 30630 of 1999 for quashing the said notification. The writ petitions were dismissed as premature on 27.10.1999, reserving liberty to the writ petitioners to raise objections before the Land Acquisition Officer within four weeks u/Sec. 5(A) of Land Acquisition Act. This order came to be affirmed by division Bench of Karnataka High Court in Writ appeals 488-492 of 2000 on 19.06.2000. Even before the expiry of the above period of four weeks, Vyalikaval HBCS persuaded the then Revenue Minister to issue direction on 20.11.1999 to the concerned authorities to issue final notifications. The Special Land Acquisition Officer sent a report dtd. 29.02.2000, at that stage, the Govt. of Karnataka being apprised of the legal and factual position, issued notification dated 04.06.2001 incorporating its decision not to proceed further with acquisition proceedings and to cancel the notification dated 28.07.1999. Against this notification, Vyalikaval HBCS filed WP 27205/2001 seeking writ of mandamus to the State Government to proceed with the acquisition of lands from the stage it was stopped. Single Judge of Karnataka High Court relying on the said directions dated 22.11.1999 issued by Revenue Minister and treating it as decision of Government in terms of clause 66 of the Karnataka (transaction of Business) Rules 1977, allowed the writ petition on 09.03.2004 and quashed the notification of 04.06.2001 and also issued mandamus, directing the concerned officials of the Government to proceed with the acquisition. The writ appeals filed by the land owners against the judgment of the single judge were dismissed on 06.10.2005. Against the

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said dismissal, one B. Anjanappa and others filed civil appeal 1930-1932/2012 before the Apex court. The said civil appeals came to be allowed on 07/02/2012 by the Apex Court. Apex court gave a direction that if the concerned house building co-operative society is in possession of any of those notified lands, they shall restore the possession to the concerned land owners within two months. The said judgment of the Apex court is kept in the records. Pursuant to the direction given under the said order dated 07.02.2012, the Vyalikaval HBCS filed compliance report. The appellants in the above civil appeals 1930, 1931 & 1932 of 2012 filed their objection to the said report. After hearing both sides, Hon'ble Supreme Court on 24.04.2014, clarified that the direction contained in the earlier order dated 07.02.2012 is confined to the disputes regarding 52 acres 17 guntas ( lands covered under preliminary notification LAQ:(1) SR 1/99 -2000 Dated 28.07.1999 issued by Spl. D.C. B'lore Urban District in respect of Nagaravara lands. The copy of the said order dated 24.04.2014 is also kept in the records. Under the notification dated 28.07.1999, 2 acres 03 guntas of land in Sy.no.77/1 of Nagavara 0-35 guntas of land in Sy.No. 77/7 of Nagavara belonging to one of the present complainant Mr. B. Anjanappa S/o Late Patel Bachanna are covered. The land in Sy.No.77/3 of Nagavara claimed by one of the complainant MR. Suryanarayan is not covered under the said notification dated. 28-07-1999. The particulars of the lands of the other complainants K. Krishnappa S/o Late Kupaiah, A. Arogyaswamy S/o Jujappa & R. Venkatesh S/o Ramaiah are not mentioned in the complaint.

13. One Smt. Puttamma, owner of 2 acres 34 guntas in Sy.No. 26/3B of Nagavara had challenged the acquisition proceedings under final notification dated 21.02.1986 published in Karnataka gazette dated 24.02.1986 in WP 8194/1987. Vyalikaval HBCS is 4<sup>th</sup> respondent in that writ petition. The said writ petition was allowed on 12.12.1995, quashing the acquisition proceedings concerning the said land, after following Narayana reddy's case ILR 1991 Kar 2248. The said society filed writ appeal 506/1996. The said writ appeal came to be dismissed on



16.01.1998 and the judgment of division bench is reported in 1999 (4) KAR.LJ 143. Against the judgment in the said writ appeal 506/1996, Vyalikaval HBCS filed SLP (civil) 6196/1998 and he said SLP came to be dismissed on 07.04.1998.

- 14.** One H. Narayanappa s/o Hanumanthappa Nagavara had filed WP. 42606/1995, challenging the acquisition proceedings in respect of his land under the same final notification dated 21.02.1986 and preliminary notification dated 22.12.1994. The said writ petition was dismissed by single judge on 03.03.1998 on the ground of delay and laches on the part of the writ petitioner. Against this order, said Narayanappa filed writ appeal 2188/1988. The said writ appeal came to be allowed on 17.01.2000 in the light of Narayana Reddy's case and also the judgment in writ appeal 506/1996. Against the order passed by the division bench in the said W.A. 2188/1988, Vyalikaval HBCS filed civil appeal no.902/2001 before Apex Court. The said civil appeal came to be dismissed as withdrawn on 26.07.2005.
- 15.** One V. Chandrappa had also challenged the same acquisition proceedings concerning his land at Nagavara in WP No. 30622/1998. The said writ petition came to be allowed on 11.11.1998. Against the order passed in the writ petition, Vyalikaval HBCS filed writ appeal 2294/1999. The said writ appeal came to be dismissed on 17.01.2000. The review petition filed by the said society for review of the order passed in the writ appeal, also came to be dismissed on 22.03.2002. The order passed in the said review petition is reported in ILR 2002 KAR. 2113.
- 16.** Similarly, one N. Shantharaju (WP 6421/1994) B. Ramaiah(W.P. 6422/1994), R. Venkatappa (WP 6423/1994), H. Krishnappa, (WP 6424/1994), N.Ramachandra( W.P. 6425/1994) G. Govinda Raju ( W.P. 6426/1994), R. Chandrashekar ( W.P. NO.6427/1994), Appaiyyanna (W.P. 6428/1994), R. Jyojappa ( W.P. NO. 9815/1994), Smt. Akkamma ( W.P. 11607/1994), M. Nagaraja (W.P. 11608/1994), Srinivasa (W.P.No. 11609/1994), Nanjundegowda (W.P.18235/1994), Anthappa (W.P.23370/1994), S. Srinivas (W.P.18199/1994), C. Narayanaswamy (W.P. 18200/1994), and V. Nanjappa (W.P. 12105/1996) had challenged



same preliminary and final notifications concerning their respective lands at Nagavara. Vyalikaval HBCS was respondent NO.4 in the said writ petitions. Following Narayana Reddy's case, the said writ petitions came to be allowed on 18.02.1997. Vyalikaval HBCS filed writ appeals Nos. 2336-2343/1997 connected with writ appeal 2322/1997, 2323/1997, 2324/1997, 2325/1997, 6217/1997, c/w W.A. 3815-16/1997 against the common order passed in the above writ petitions. The said writ appeals came to be dismissed on 05.03.1998. The said society further filed SLP (civil) 495-498/1999 against the order dated 05.03.1998 passed in said writ appeals 2322-2325 /1997. The said SLPs came to be dismissed on 14.07.1999.

- 17.** One of the present complainant namely Mr. Suryanarayana filed W.P. 25394/2004, seeking quashing of BDA resolution no. 156/2003 dated 12.09.2003 where under BDA approved the lay out plan submitted by Vyalikaval HBCS, in so far as it related to the said complainant's land in Sy.No. 77/3 of Nagavara measuring 3-00 acres. Similar writ petitions were filed in W.P. 11910-11914 of 2009, W.P. 41876/2004 by other land owners of Nagavara for quashing the BDA resolution. These writ petitions were clubbed and heard together and they came to be dismissed by order dated 14.07.2011. The complainant R. Suryanarayana and others filed writ appeal No. 16808-16809/2011 (LA-RES) before Hon'ble High Court of Karnataka wherein the Hon'ble high Court passed interim order dated 5<sup>th</sup> Feb. 2013 to the effect that the dispossession of the appellant Suryanarayan from the schedule land be and the same is hereby stayed and the parties herein be and are hereby directed to maintain status-quo in so far as possession of the land bearing Sy.No. 77/3(SyNo.77/3A & 77/3B) measuring an extent of 3 acres situated at Nagavara village. In the light of the direction of the Supreme Court, under order dated 21.02.1995 passed in SLP (C) Nos.12104-07 of 1991 found at pages 1981 & 1982, in ILR 1995 Karnataka in the case of Vyalikaval HBCS Vs. Narayana Reddy and also the directions given by the Apex Court under order dated in civil appeal nos. 1930-1932 of 2012 B. Anjanappa &

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others vs. Vyalikaval HBCS and the clarification order dated 24/04/2014.

**18.** Under the above circumstances, this report under section 12 (3) of Karnataka Lokayukta Act 1984 is made, recommending to the Government to consider implementation of the directions contained in the above orders namely

- e. Order dated 21.02.1995 passed in SLP 12104-07 /1991 in respect of lands covered under preliminary notifications LAQ:(1) Cr. 455/1984-85 dated 22.12.1984: 3185 and final notifications RD:183:AQB:82 dated 21.02.1986.
- f. Order dated 07.02.2012 and clarification order dated 24.04.2014 passed in civil appeals appeals 1930, 1931 & 1932 of 2012 in respect of lands covered under preliminary notification LAQ :(1) SR 1/1999 - 2000 dated 28.07.1999.

It is recommended to the Government to examine this report and **within three months** of date of receipt of this report, intimate or cause to be intimated to me the action taken or proposed to be taken on the basis of this report.

*Y. Bhaskar Rao*  
27/10/14  
**(Justice Dr. Y. Bhaskar Rao),**  
Hon'ble Lokayukta.