

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**  
[BANGALORE DEVELOPMENT AUTHORITY AND ANOTHER VS.  
STATE OF KARNATAKA AND ANOTHER]

KSDJ & **MNPJ**:

18.01.2024

(VIDEO CONFERENCING / PHYSICAL HEARING)

**ORDER**

The subject appeal is placed before this Bench pursuant to an order passed by the Apex Court dated 12.12.2023. Brief background to placing of this appeal before this Bench is required to be noticed. The Apex Court by an order dated 03.12.2020 constituted a Three Member Committee to oversee several aspects of problems that arose on the formation of Shivaram Karanth Layout, Bangalore. The Committee undertook the exercise of redressal of several problems, as was directed by the Apex Court, which was being reported to the Apex Court at intermittent intervals. The tenure of the Committee was to come to an end on 31.12.2023.

b. Before the Apex Court, the recommendation of the Chairman of the Committee to disband the Committee and the opinion of the other members of the Committee to continue the Committee for another six months was placed. The Apex Court

on 12.12.2023 taking the matter for its consideration, passed the following order:

*"These proceedings pursuant to the judgment of this court dated 03.08.2018 have remained pending. By the order dated 03.12.2020, a committee headed by Mr. Justice A.V. Chandrashekar, former Judge of the Karnataka High Court, with Mr. Jayakar Jerome, former Commissioner, Bangalore Development Authority and Mr. S.T. Ramesh, former Director General of Police, as its members, was appointed. The Committee has been submitting its reports from time to time., The Committee's tenure ends on 31.12.2023.*

*Mr. justice A.V.Chandrashekar has recommended that the committee be disbanded, as it has completed the task assigned by this court. The members of the Committee, namely, Mr.Jayakar Jerome and Mr. S.T.Ramesh, have stated that the Committee should continue for another six months.*

*We are of the opinion that the present proceedings should be transferred to the High Court of Karnataka, at Bengaluru. Whether or not the term of the Committee should be extended, as well as, the question of composition of the Committee, will be examined the High Court.*

*The entire records of the present proceedings including all the applications, reports submitted by the committee till date, and the orders passed thereon, will be sent to the High Court. An electronic/shadow file will, however, be maintained in this Court. The High Court will examine the latest reports filed by the*

*Committee, that is, the 31<sup>st</sup> Report and the 32<sup>nd</sup> Report and pass appropriate orders.*

*The physical records will be transferred to the BDA, after storing an e-copy/set on cloud. The credentials/details to access such e-copy shall be given to the authorized officers of BDA. The BDA will make a copy of the cloud records and store this one set on its server/cloud facility, as available with it. The original e-set will not be altered, modified or tampered.*

*Any person/entity, including the BDA, having an objection or issue arising from any reports of the Committee, may move on application before the High Court . The High Court will be entitled to decide all the pending issues and applications including the application(s) challenging any of the decisions taken by the Committee, or a subject matter of its reports.*

*However, in case there is any specific order or direction regarding a particular property, passed by this Court, applications regarding the same will be entertained by this Court.*

*Any person aggrieved by any order passed by the High Court will be entitled to approach this Court.*

*All interim orders passed by this Court with regard to transfer or retaining of the officers are hereby recalled.*

*Learned Advocate General for the State of Karnataka has drawn our attention to paragraph 23 of the order dated 20.01.2022, and submits that the State would like to pay additional compensation over and above the compensation payable under the Land*

*Acquisition Act, 1894. Accordingly, the direction may be modified. We make no comments in this regard. It will be open to the State to move an appropriate application before the High Court indicating grounds and justification. The prayer will be considered in accordance with law.*

*Pending miscellaneous applications are also transferred.*

*We would request the Chief Justice of the High Court to nominate a Bench to deal with the cases arising out of the judgment dated 03.08.2018 and the order dated 03.12.2020.*

*Recording the aforesaid, the miscellaneous applications are disposed off."*

c. The Apex Court noticed that the tenure of the Committee is to end on 31.12.2023. The Chairman of the Committee seeks its disbandment, as the task assigned by the Apex Court according to the Chairman had been accomplished. The members had opined otherwise. The Apex Court noticing all the factors, was of the opinion that the entire proceedings is to be transferred to this Court. It left open to this Court to consider whether the term of the Committee should be extended or the questioning of the composition of the Committee also to be considered by this Court.

d. The Apex Court further directed that the physical records will be transferred from the BDA after storing an e-copy/set on cloud. It also directed that the original e-set will not be altered, modified or tampered.

e. The learned counsel appearing for BDA Sri Shivaprasad Shantanagoudar submits that pursuant to the direction of the Apex Court the BDA had communicated to the Committee to hand over all the documents to be placed before this Court. It is his submission that despite receipt of the communication from the hands of the BDA which was pursuant to the direction of the Apex Court, the Committee has not handed over any of the papers or records in compliance with the said direction. He would also add that the Committee has put a separate lock to the premises which was let out for the functioning of the Committee in the BDA building. The entire records are now in the lock and key of the Committee. It is rather strange as to how the Committee has placed a lock and not transmitted any of the papers as was directed by the Apex Court, the action is contrary to the order of the Apex Court.

f. Therefore, to preserve the records in as is where is condition, as the Apex Court also directs that the records should not be altered, modified or tampered, we direct that a separate lock be put by the BDA in the presence of the Registrar-General of this Court and the key be handed over to the Registrar-General. This will be an additional lock over and above what is already put by the Committee. This exercise is directed to be undertaken solely on the score that the Committee has locked the premises without transmitting the records as was directed by the Apex Court.

g. Learned counsel representing the appellants/petitioners who are now submitting about their grievances which according to them are left unresolved and there are several petitions still to be considered with regard to the rights of the parties. Therefore, any further proceeding except the developmental work in the layout, if permitted to continue, it would *prima facie* put the rights of those aggrieved into jeopardy. Wherefore, we deem it appropriate to direct *status quo* as on today be maintained by the BDA or any wing of the State, the *status quo* we mean that the State shall not issue any notification calling for applications for allotment of

sites in the layout without the leave of the Court. The order of *status quo* would not mean that the activities of development of the layout are to be put on hold. Those activities of development shall go on, which shall remain subject to the result of the present proceedings.

h. It is open to the members of the Committee who have now ceased to exist to furnish/transmit any information to the Registrar-General, if they so desire. It could be individually by the members of the Committee or collectively by the Committee.

Registry to delete the names of counsel Sri G.S.Kannur and Sri M.V.Charati as appearing for the appellant-BDA and in their place print the name of learned counsel Sri.Shivaprasad Shantanagoudar.

**Sd/-  
JUDGE**

**Sd/-  
JUDGE**

**(KRISHNA S DIXIT)  
JUDGE**

**(M.NAGAPRASANNA)  
JUDGE**