IN THE HIGH COURT OF KARNATAKA, DHARWAD BENCH

DATED THIS THE 6TH DAY OF AUGUST, 2024

PRESENT

THE HON'BLE MR. JUSTICE KRISHNA S.DIXIT

AND

THE HON'BLE MR. JUSTICE VIJAYKUMAR A.PATIL

WRIT APPEAL NO.100507 OF 2023 (LB-RES) C/W
WRIT APPEAL NO.100264 OF 2023(GM-RES),
WRIT APPEAL NO.100479 OF 2023(GM-RES),
WRIT APPEAL NO.100493 OF 2023(GM-RES),
WRIT APPEAL NO.100505 OF 2023(GM-RES),
WRIT APPEAL NO.100506 OF 2023(GM-RES),
WRIT APPEAL NO.100508 OF 2023(GM-RES),
WRIT APPEAL NO.100514 OF 2023(GM-RES),
WRIT APPEAL NO.100515 OF 2023(GM-RES),
WRIT APPEAL NO.100516 OF 2023(GM-RES),
WRIT APPEAL NO.100541 OF 2023(LB-RES),
WRIT APPEAL NO.100542 OF 2023(GM-RES),
WRIT APPEAL NO.100543 OF 2023(GM-RES),
WRIT APPEAL NO.100544 OF 2023(GM-RES),
WRIT APPEAL NO.100545 OF 2023(GM-RES),
WRIT APPEAL NO.100546 OF 2023(GM-RES),
WRIT APPEAL NO.100593 OF 2023(GM-RES),
WRIT APPEAL NO.100594 OF 2023(GM-RES),
WRIT APPEAL NO.100595 OF 2023(GM-RES),
WRIT APPEAL NO.100596 OF 2023(LB-RES),
WRIT APPEAL NO.100597 OF 2023(GM-RES),
WRIT APPEAL NO.100598 OF 2023(GM-RES),
WRIT APPEAL NO.100599 OF 2023(GM-RES),
WRIT APPEAL NO.100600 OF 2023(GM-RES)

Digitally signed by JAGADISH T R
Location: High Court of Karnataka Dharwad Bench

IN WRIT APPEAL NO.100507 OF 2023:
BETWEEN:

1. THE CHIEF ENGINEER,
THE BAGALKOT TOWN DEVELOPMENT AUTHORITY,
BAGALKOT, DIST. BAGALKOT-587101.

2. THE REHABILITATION OFFICER,
BAGALKOT TOWN DEVELOPMENT AUTHORITY,
BAGALKOT, DIST. BAGALKOT-587101.

...APPELLANTS

(BY SRI. G.K. HIREGOUDAR, GOVERNMENT ADVOCATE)

AND:

JUBEDA D/O RAJESAB PINJAR @ MANNIKERI
AGE. 52 YEARS, OCC. BUSINESS,
R/O. C/O. KADIRSAB RAJESAB NADAF,
WARD NO.6, BEHIND BASAVA BANK, NADAF GALLI,
HALEPETH, BAGALKOT, DIST. BAGALKOT 587101.

…RESPONDENT

(BY SRI. T.M. NADAF, ADVOCATE)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF KARNATAKA HIGH COURT ACT, 1961, PRAYING TO, SET ASIDE THE IMPUGNED ORDER DATED 23.01.2023 PASSED BY THE LEARNED SINGLE JUDGE OF THIS HON'BLE COURT IN W.P.NO.104162/2022 (GM-RES).

IN WRIT APPEAL NO.100264 OF 2023:
BETWEEN:

1. THE CHIEF ENGINEER,
   THE BAGALKOT TOWN DEVELOPMENT AUTHORITY,
   BAGALKOT, DIST. BAGALKOT-587101.

2. THE REHABILITATION OFFICER,
   BAGALKOT TOWN DEVELOPMENT AUTHORITY,
   BAGALKOT, DIST. BAGALKOT-587101.

...APPELLANTS

(BY SRI. G.K. HIREGOUDAR, GOVERNMENT ADVOCATE)

AND:

1. MOHIUDDIN S/O FAKRUDDIN DHALAYAT,
   AGE. YEARS, OCC. BUSINESS,
   R/O. WARD NO.3 CTS NO.407-A,
   NAVANGAR BAGALKOT, DIST BAGALKOT 587101.

2. THE STATE OF KARNATAKA
   R/BY. THE PRINCIPAL SECRETARY,
   URBAN DEVELOPMENT DEPARTMENT (REHABILITATION),
   M.S. BUILDING, BENGALURU-560001.

…RESPONDENTS

(BY SRI. T.M. NADAF, ADVOCATE FOR R1,
SRI. V.S. KALASURMATH, HCGP FOR R2)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF KARNATAKA HIGH COURT ACT, 1961, PRAYING TO, SET ASIDE THE IMPUGNED

ORDER DATED 23.01.2023 PASSED BY THE LEARNED SINGLE JUDGE OF THIS HON'BLE COURT IN W.P.NO.105109/2022 (GM-RES).

IN WRIT APPEAL NO.100479 OF 2023:
BETWEEN:

1. THE CHIEF ENGINEER,
THE BAGALKOT TOWN DEVELOPMENT AUTHORITY,
BAGALKOT, DIST. BAGALKOT-587101.

2. THE REHABILITATION OFFICER,
BAGALKOT TOWN DEVELOPMENT AUTHORITY,
BAGALKOT, DIST. BAGALKOT-587101.

...APPELLANTS

(BY SRI. G.K. HIREGOUDAR, GOVERNMENT ADVOCATE)

AND:

SRI. PRABHAKAR S/O KRISHNA REVANKAR
AGE. 74 YEARS, OCC. BUSINESS,
R/O.CTS NO.128/9A, WARD NO.10,
NEAR VIVEKANAND SCHOOL,
BAGALKOT, DIST. BAGALKOT-587101.

…RESPONDENT

(BY SRI. T.M. NADAF, ADVOCATE)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF KARNATAKA HIGH COURT ACT, 1961, PRAYING TO, SET ASIDE THE IMPUGNED ORDER DATED 17.02.2023 PASSED BY THE LEARNED SINGLE JUDGE OF THIS HON'BLE COURT IN W.P.NO.101095/2023 (GM-RES).

IN WRIT APPEAL NO.100493 OF 2023:
BETWEEN:

1. THE CHIEF ENGINEER,
THE BAGALKOT TOWN DEVELOPMENT AUTHORITY,
BAGALKOT, DIST. BAGALKOT-587101.

2. THE REHABILITATION OFFICER,
BAGALKOT TOWN DEVELOPMENT AUTHORITY,
BAGALKOT, DIST. BAGALKOT-587101.

...APPELLANTS

(BY SRI. G.K. HIREGOUDAR, GOVERNMENT ADVOCATE)

AND:

SRI. ZAKIR HUSAIN KALBURGI,
AGE. 49 YEARS, OCC. BUSINESS,
C/O. D.I. MOMIN, R/O. NEAR URDU SCHOOL NO.8,
BEHIND MEHTER MEHAL, J.M. ROAD,
VIJAYAPURA, DIST. VIJAYAPURA-586101.

…RESPONDENT

(BY SRI. T.M. NADAF, ADVOCATE)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF KARNATAKA HIGH COURT ACT, 1961, PRAYING TO, SET ASIDE THE IMPUGNED ORDER DATED 23.01.2023 PASSED BY THE LEARNED SINGLE JUDGE OF THIS HON'BLE COURT IN W.P.NO.105185/2022 (GM-RES).

IN WRIT APPEAL NO.100505 OF 2023:
BETWEEN:

1. THE CHIEF ENGINEER,
   THE BAGALKOT TOWN DEVELOPMENT AUTHORITY,
   BAGALKOT, DIST. BAGALKOT-587101.

2. THE REHABILITATION OFFICER,
   BAGALKOT TOWN DEVELOPMENT AUTHORITY,
   BAGALKOT, DIST. BAGALKOT-587101.

...APPELLANTS

(BY SRI. G.K. HIREGOUDAR, GOVERNMENT ADVOCATE)

AND:

MEHABOOBSAB KAMAAL SAB DALAITH
AGE. 49 YEARS, OCC. DRIVER,
R/O. WARD NO.3, CTS NO.295/A/2,
HALPET, DIST. BAGALKOT 587101.

…RESPONDENT

(BY SRI. T.M. NADAF, ADVOCATE)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF KARNATAKA HIGH COURT ACT, 1961, PRAYING TO, SET ASIDE THE IMPUGNED ORDER DATED 17.02.2023 PASSED BY THE LEARNED SINGLE JUDGE OF THIS HON'BLE COURT IN W.P.NO.101076/2023 (GM-RES).

IN WRIT APPEAL NO.100506 OF 2023:
BETWEEN:

1. THE CHIEF ENGINEER,

THE BAGALKOT TOWN DEVELOPMENT AUTHORITY,
BAGALKOT, DIST. BAGALKOT-587101.

2. THE REHABILITATION OFFICER,
BAGALKOT TOWN DEVELOPMENT AUTHORITY,
BAGALKOT, DIST. BAGALKOT-587101.

...APPELLANTS

(BY SRI. G.K. HIREGOUDAR, GOVERNMENT ADVOCATE)

AND:

HUCHHAPPA VEERAPPA VAIJAPUR,
AGE. 51 YEARS, OCC. AGRI,
R/O. SECTOR NO.18, PLOT NO.D-07,
TQ. BAGALKOT, DIST. BAGALKOT-587101.

…RESPONDENT

(BY SRI. T.M. NADAF, ADVOCATE)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF KARNATAKA HIGH COURT ACT, 1961, PRAYING TO, SET ASIDE THE IMPUGNED ORDER DATED 15.02.2023 PASSED BY THE LEARNED SINGLE JUDGE OF THIS HON'BLE COURT IN W.P.NO.100928/2023 (GM-RES).

IN WRIT APPEAL NO.100508 OF 2023:
BETWEEN:

1. THE REHABILITATION OFFICER,
BAGALKOT TOWN DEVELOPMENT AUTHORITY,
BAGALKOT, DIST. BAGALKOT-587101.

2. THE CHIEF ENGINEER,
THE BAGALKOT TOWN DEVELOPMENT AUTHORITY,
BAGALKOT, DIST. BAGALKOT-587101.

...APPELLANTS

(BY SRI. G.K. HIREGOUDAR, GOVERNMENT ADVOCATE)

AND:

1. SHRI SHRIKANT TRIVIKRAMACHARYA NAGARAL
S/O TRIVIKRAMACHARYA LAXMINARAYANACHARYA ALUR
AGE. 76 YEARS, OCC. PENSIONER,
C/O. SHRI S.N. PARANDE,
PARANDE COMPOUND, KABBUR ROAD, MALAMADDI,
DHARWAD, DIST. DHARWAD-580001.

2. THE PRINCIPAL SECRETARY

DEPARTMENT OF HOUSING AND DEVELOPMENT,
GOVERNMENT OF KARNATAKA SECRETARIAT,
II FLOOR, VIKASA SOUDHA, BENGALURU-560001.

…RESPONDENTS

(BY SRI. S.N. GOODWALA, ADVOCATE)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF KARNATAKA HIGH COURT ACT, 1961, PRAYING TO, SET ASIDE THE IMPUGNED ORDER DATED 11.04.2023 PASSED BY THE LEARNED SINGLE JUDGE OF THIS HON'BLE COURT IN W.P.NO.100459/2023 (GM-RES).

IN WRIT APPEAL NO.100514 OF 2023:
BETWEEN:

1. THE CHIEF ENGINEER,
THE BAGALKOT TOWN DEVELOPMENT AUTHORITY,
BAGALKOT, DIST. BAGALKOT-587103.

2. THE REHABILITATION OFFICER,
BAGALKOT TOWN DEVELOPMENT AUTHORITY,
BAGALKOT, DIST. BAGALKOT-587103.

...APPELLANTS

(BY SRI. G.K. HIREGOUDAR, GOVERNMENT ADVOCATE)

AND:

SRI. HANUMANTHAPPA S/O TIPPANNA KALPAVRUKSHA
REPRESENTED BY HIS GPA HOLDER
KARIMUDDIN IBRAHIMSAB CONTRACTOR,
AGE. 63 YEARS, OCC. BUSINESS,
R/O. SECTOR NO.33, PLOT NO.101-C,
NAVANAGAR, DIST. BAGALKOT 587103.

…RESPONDENT

(BY SRI. Y.R. JOGI, ADVOCATE)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF KARNATAKA HIGH COURT ACT, 1961, PRAYING TO, SET ASIDE THE IMPUGNED ORDER DATED 17.02.2023 PASSED BY THE LEARNED SINGLE JUDGE OF THIS HON'BLE COURT IN W.P.NO.101083/2023 (GM-RES).

IN WRIT APPEAL NO.100515 OF 2023:
BETWEEN:

1. THE CHIEF ENGINEER,
THE BAGALKOT TOWN DEVELOPMENT AUTHORITY,
BAGALKOT, DIST. BAGALKOT-587103.

2. THE REHABILITATION OFFICER,
BAGALKOT TOWN DEVELOPMENT AUTHORITY,
BAGALKOT, DIST. BAGALKOT-587103.

...APPELLANTS

(BY SRI. G.K. HIREGOUDAR, GOVERNMENT ADVOCATE)

AND:

SANJAY S/O VENKATESH KATARKI
AGE. 59 YEARS, OCC. PRIVATE JOB,
R/O. SECTOR NO.21, PLOT NO.21-B,
NAVANAGAR, BAGALKOT, DIST. BAGALKOT-587101.

…RESPONDENT

(BY SRI. T.M. NADAF, ADVOCATE)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF KARNATAKA HIGH COURT ACT, 1961, PRAYING TO, SET ASIDE THE IMPUGNED ORDER DATED 09.02.2023 PASSED BY THE LEARNED SINGLE JUDGE OF THIS HON'BLE COURT IN W.P.NO.100774/2023 (GM-RES).

IN WRIT APPEAL NO.100516 OF 2023:
BETWEEN:

1. THE CHIEF ENGINEER,
THE BAGALKOT TOWN DEVELOPMENT AUTHORITY,
BAGALKOT, DIST. BAGALKOT-587101.

2. THE REHABILITATION OFFICER,
BAGALKOT TOWN DEVELOPMENT AUTHORITY,
BAGALKOT, DIST. BAGALKOT-587101.

...APPELLANTS

(BY SRI. G.K. HIREGOUDAR, GOVERNMENT ADVOCATE)

AND:

SAIYYED RIYAZ AHMED S/O RIYAZ AHMED
AGE. 43 YEARS, OCC. BUSINESS,
R/O. NARA GALLI, JADEGER ONI, HALEPET,
WARD NO.3, BAGALKOT, DIST. BAGALKOT-587101.

…RESPONDENT

(BY SRI. T.M. NADAF, ADVOCATE)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF KARNATAKA HIGH COURT ACT, 1961, PRAYING TO, SET ASIDE THE IMPUGNED

ORDER DATED 30.01.2023 PASSED BY THE LEARNED SINGLE JUDGE OF THIS HON'BLE COURT IN W.P.NO.100550/2023 (GM-RES).

IN WRIT APPEAL NO.100541 OF 2023:
BETWEEN:

1. THE CHIEF ENGINEER,
THE BAGALKOT TOWN DEVELOPMENT AUTHORITY,
BAGALKOT, DIST. BAGALKOT-587101.

2. THE REHABILITATION OFFICER,
BAGALKOT TOWN DEVELOPMENT AUTHORITY,
BAGALKOT, DIST. BAGALKOT-587101.

...APPELLANTS

(BY SRI. G.K. HIREGOUDAR, GOVERNMENT ADVOCATE)

AND:

KARIMUDDIN I. CONTRACTOR,
AGE. 65 YEARS, OCC. NIL,
R/O. SECTOR NO.38, NEAR BSNL TOWER,
NAVANAGAR, BAGALKOT, DIST. BAGALKOT 587101.
GPA HOLDER OF LRs OF PARUNARAHID @ HARUNRASHID
CONTRACTOR SINCE DECEASED.

…RESPONDENT

(BY SRI. Y.R. JOGI, ADVOCATE)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF KARNATAKA HIGH COURT ACT, 1961, PRAYING TO, SET ASIDE THE IMPUGNED ORDER DATED 15.02.2023 PASSED BY THE LEARNED SINGLE JUDGE OF THIS HON'BLE COURT IN W.P.NO.100979/2023 (GM-RES).

IN WRIT APPEAL NO.100542 OF 2023:
BETWEEN:

1. THE CHIEF ENGINEER,
THE BAGALKOT TOWN DEVELOPMENT AUTHORITY,
BAGALKOT, DIST. BAGALKOT-587101.

2. THE REHABILITATION OFFICER,
BAGALKOT TOWN DEVELOPMENT AUTHORITY,
BAGALKOT, DIST. BAGALKOT-587101.

...APPELLANTS

(BY SRI. G.K. HIREGOUDAR, GOVERNMENT ADVOCATE)

AND:

CHANDASAB S/O DAVALSAB KAMATGI
AGE. 65 YEARS, OCC. RETIRED,
R/O. PLOT NO.22 B, SECTOR 99, NAVANAGAR,
BAGALKOT, TQ & DIST. BAGALKOT-587101.

…RESPONDENT

(BY SRI. SHARAD MAGADUM, ADVOCATE)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF KARNATAKA HIGH COURT ACT, 1961, PRAYING TO, SET ASIDE THE IMPUGNED ORDER DATED 31.01.2023 PASSED BY THE LEARNED SINGLE JUDGE OF THIS HON'BLE COURT IN W.P.NO.100301 (GM-RES).

IN WRIT APPEAL NO.100543 OF 2023:
BETWEEN:

1. THE CHIEF ENGINEER,
   THE BAGALKOT TOWN DEVELOPMENT AUTHORITY,
   BAGALKOT, DIST. BAGALKOT-587101.

2. THE REHABILITATION OFFICER,
   BAGALKOT TOWN DEVELOPMENT AUTHORITY,
   BAGALKOT, DIST. BAGALKOT-587101.

...APPELLANTS

(BY SRI. G.K. HIREGOUDAR, GOVERNMENT ADVOCATE)

AND:

KARIMUDDIN I. CONTRACTOR,
AGE. 63 YEARS, OCC. NIL,
R/O. SECTOR NO.33, PLOT NO.101-C, NAVANAGAR,
BAGALKOT, DIST. BAGALKOT 587101.

…RESPONDENT

(BY SRI. Y.R. JOGI, ADVOCATE)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF KARNATAKA HIGH COURT ACT, 1961, PRAYING TO, SET ASIDE THE IMPUGNED ORDER DATED 15.02.2023 PASSED BY THE LEARNED SINGLE JUDGE OF THIS HON'BLE COURT IN W.P.NO.100950/2023 (GM-RES).

IN WRIT APPEAL NO.100544 OF 2023:
BETWEEN:

1. THE CHIEF ENGINEER,
   THE BAGALKOT TOWN DEVELOPMENT AUTHORITY,
   BAGALKOT, DIST. BAGALKOT-587101.

2. THE REHABILITATION OFFICER,
BAGALKOT TOWN DEVELOPMENT AUTHORITY,
BAGALKOT, DIST. BAGALKOT-587101.

...APPELLANTS

(BY SRI. G.K. HIREGOUDAR, GOVERNMENT ADVOCATE)

AND:

GURUDEVI SIDDAPPA YELAMELI
AGE. 58 YEARS, OCC. HOUSEHOLD WORK,
R/O. H.NO.386/2, WARD NO.3, NEAR NARA HOUSE,
HALAPET BAGALKOT, DIST. BAGALKOT-587101.

…RESPONDENT

(BY SRI. T.M. NADAF, ADVOCATE)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF KARNATAKA HIGH COURT ACT, 1961, PRAYING TO, SET ASIDE THE IMPUGNED ORDER DATED 30.01.2023 PASSED BY THE LEARNED SINGLE JUDGE OF THIS HON'BLE COURT IN W.P.NO.100563/2023 (GM-RES).

IN WRIT APPEAL NO.100545 OF 2023:
BETWEEN:

1. THE CHIEF ENGINEER,
THE BAGALKOT TOWN DEVELOPMENT AUTHORITY,
BAGALKOT, DIST. BAGALKOT-587101.

2. THE REHABILITATION OFFICER,
BAGALKOT TOWN DEVELOPMENT AUTHORITY,
BAGALKOT, DIST. BAGALKOT-587101.

...APPELLANTS

(BY SRI. G.K. HIREGOUDAR, GOVERNMENT ADVOCATE)

AND:

RAFEEQAHAMAD M. NABIWALE
AGE. 43 YEARS, OCC. BUSINESS,
R/O. MOBILE STORE SHOP, NO.UG-50, F-BLOCK,
MELLIGERI TOWER, STATION ROAD,
BAGALKOT, DIST. BAGALKOT 587101.

…RESPONDENT

(BY SRI. T.M. NADAF, ADVOCATE)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF KARNATAKA HIGH COURT ACT, 1961, PRAYING TO, SET ASIDE THE IMPUGNED

ORDER DATED 23.01.2023 PASSED BY THE LEARNED SINGLE JUDGE OF THIS HON'BLE COURT IN W.P.NO.105186/2022 (GM-RES).

IN WRIT APPEAL NO.100546 OF 2023:
BETWEEN:

1. THE CHIEF ENGINEER,
THE BAGALKOT TOWN DEVELOPMENT AUTHORITY,
BAGALKOT, DIST. BAGALKOT-587101.

2. THE REHABILITATION OFFICER,
BAGALKOT TOWN DEVELOPMENT AUTHORITY,
BAGALKOT, DIST. BAGALKOT-587101.

...APPELLANTS

(BY SRI. G.K. HIREGOUDAR, GOVERNMENT ADVOCATE)

AND:

1 . THE STATE OF KARNATAKA
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT,
BY ITS PRL. SECRETARY,
VIDHANA SOUDHA, BENGALURU-01.

2. SHIVAGANGAVVA W/O SHIVAPADAPPA BENNUR
AGE. 65 YEARS, OCC. HOUSEHOLD,
R/O. SECTOR NO.18, PLOT NO.7D, NAVANAGAR,
BAGALKOT, DIST. BAGALKOT-587101.

…RESPONDENTS

(BY SRI. T.M. NADAF, ADVOCATE)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF KARNATAKA HIGH COURT ACT, 1961, PRAYING TO, SET ASIDE THE IMPUGNED ORDER DATED 23.01.2023 PASSED BY THE LEARNED SINGLE JUDGE OF THIS HON'BLE COURT IN W.P.NO.105111/2022 (GM-RES).

IN WRIT APPEAL NO.100593 OF 2023:

BETWEEN:

1. THE CHIEF ENGINEER,
THE BAGALKOT TOWN DEVELOPMENT
AUTHORITY, BAGALKOT,
DIST. BAGALKOT-587101.

2. THE REHABILITATION OFFICER,
BAGALKOT TOWN DEVELOPMENT AUTHORITY,
BAGALKOT, DIST. BAGALKOT-587101.

...APPELLANTS

(BY SRI. G.K. HIREGOUDAR, GOVERNMENT ADVOCATE)

AND:

1 . THE STATE OF KARNATAKA
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
BY ITS PRL. SECRETARY,
VIDHANA SOUDHA, BENGALURU-01.

2 . NOORAHMAD S/O. RAJESAB KERUR,
AGE. 61 YEARS, OCC. EX-SERVICEMAN,
R/O.C/O.S.R. KERUR, SECTOR NO.33, PLOT NO.248A,
NAVANGAR, BAGALKOT, DIST.BAGALKOT-587101.

…RESPONDENTS

(BY SRI. K.L. PATIL, ADVOCATE)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF KARNATAKA HIGH COURT ACT, 1961, PRAYING TO, SET ASIDE THE IMPUGNED ORDER DATED 23.01.2023 PASSED BY THE LEARNED SINGLE JUDGE OF THIS HON'BLE COURT IN W.P.NO.105114/2022 (GM-RES).

IN WRIT APPEAL NO.100594 OF 2023:

BETWEEN:

1. THE CHIEF ENGINEER,
THE BAGALKOT TOWN DEVELOPMENT
AUTHORITY, BAGALKOT,
DIST. BAGALKOT-587101.

2. THE REHABILITATION OFFICER,
BAGALKOT TOWN DEVELOPMENT AUTHORITY,
BAGALKOT, DIST. BAGALKOT-587101.

...APPELLANTS

(BY SRI. G.K. HIREGOUDAR, GOVERNMENT ADVOCATE)

AND:

SHANTAVVA TIPPANNA KUMBAR
SINCE DECEASED BY HER LR,

MALAKAJAPPA TIPPANNA KUMBAR ALIAS BAVOOR
AGE. 47 YEARS, OCC. AGRICULTURE,
R/O. SANGAMESHWAR BADAVANE, GADDANAKERI,
TQ. BAGALKOT, DIST. BAGALKOT-587101.

…RESPONDENT

(BY SRI. T.M. NADAF, ADVOCATE)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF KARNATAKA HIGH COURT ACT, 1961, PRAYING TO, SET ASIDE THE IMPUGNED ORDER DATED 14.02.2023 PASSED BY THE LEARNED SINGLE JUDGE OF THIS HON'BLE COURT IN W.P.NO.100892/2023 (GM-RES).

IN WRIT APPEAL NO.100595 OF 2023:
BETWEEN:

1. THE CHIEF ENGINEER,
   THE BAGALKOT TOWN DEVELOPMENT AUTHORITY,
   BAGALKOT, DIST. BAGALKOT-587101.

2. THE REHABILITATION OFFICER,
   BAGALKOT TOWN DEVELOPMENT AUTHORITY,
   BAGALKOT, DIST. BAGALKOT-587101.

...APPELLANTS

(BY SRI. G.K. HIREGOUDAR, GOVERNMENT ADVOCATE)

AND:

SMT. RAZIYA W/O LATE NOORAHAMMAD BAPARI
AGE. 46 YEARS, OCC. HOUSEWIFE,
R/O SECTOR NO.2, PLOT NO.18, B CATEGORY,
NAVANAGAR, BAGALKOTE, DIST. BAGALKOT 587103.

…RESPONDENT

(BY SRI. T.M. NADAF, ADVOCATE)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF KARNATAKA HIGH COURT ACT, 1961, PRAYING TO, SET ASIDE THE IMPUGNED ORDER DATED 23.01.2023 PASSED BY THE LEARNED SINGLE JUDGE OF THIS HON'BLE COURT IN W.P.NO.105625/2022 (GM-RES).

IN WRIT APPEAL NO.100596 OF 2023:
BETWEEN:

1. THE CHIEF ENGINEER,
   THE BAGALKOT TOWN DEVELOPMENT AUTHORITY,
   BAGALKOT, DIST. BAGALKOT-587101.

2. THE REHABILITATION OFFICER,
BAGALKOT TOWN DEVELOPMENT AUTHORITY,
BAGALKOT, DIST. BAGALKOT-587101.

...APPELLANTS

(BY SRI. G.K. HIREGOUDAR, GOVERNMENT ADVOCATE)

AND:

SRI. NAGAPPA TIPPANNA BAVOOR @ KUMBAR
AGE. 58 YEARS, OCC. PETTY BUSINESS,
R/O NEAR KASTURI MATH, BAGALKOT, DIST. BAGALKOT-587101.

…RESPONDENT

(BY SRI. T.M. NADAF, ADVOCATE)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF KARNATAKA HIGH COURT ACT, 1961, PRAYING TO, SET ASIDE THE IMPUGNED ORDER DATED 23.01.2023 PASSED BY THE LEARNED SINGLE JUDGE OF THIS HON'BLE COURT IN W.P.NO.105487/2022 (GM-RES).

IN WRIT APPEAL NO.100597 OF 2023:
BETWEEN:

1. THE CHIEF ENGINEER,
THE BAGALKOT TOWN DEVELOPMENT AUTHORITY,
BAGALKOT, DIST. BAGALKOT-587101.

2. THE REHABILITATION OFFICER,
BAGALKOT TOWN DEVELOPMENT AUTHORITY,
BAGALKOT, DIST. BAGALKOT-587101.

...APPELLANTS

(BY SRI. G.K. HIREGOUDAR, GOVERNMENT ADVOCATE)

AND:

PARVEZ S/O RAJESA MAKANDAR
AGE. 62 YEARS, OCC. EX ARMY,
R/O SECTOR NO.2, PLOT NO.79-A,
NAVANAGAR, BAGALKOTE, DIST. BAGALKOTE-587103.

…RESPONDENT

(BY SRI. T.M. NADAF, ADVOCATE)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF KARNATAKA HIGH COURT ACT, 1961, PRAYING TO, SET ASIDE THE IMPUGNED ORDER DATED 31.01.2023 PASSED BY THE LEARNED SINGLE JUDGE OF THIS HON'BLE COURT IN W.P.NO.100566/2023 (GM-RES).

IN WRIT APPEAL NO.100598 OF 2023:
BETWEEN:

1. THE CHIEF ENGINEER,
THE BAGALKOT TOWN DEVELOPMENT AUTHORITY,
BAGALKOT, DIST. BAGALKOT-587101.

2. THE REHABILITATION OFFICER,
BAGALKOT TOWN DEVELOPMENT AUTHORITY,
BAGALKOT, DIST. BAGALKOT-587101.

...APPELLANTS

(BY SRI. G.K. HIREGOUDAR, GOVERNMENT ADVOCATE)

AND:

MD. SULEMAN
S/O. SAYYADBADASHA @ SAYED BASHA MAKANDAR
AGE. 61 YEARS, OCC. PETTY BUSINESS,
R/O. SECTOR NO.2, PLOT NO.21-D,
NAVANAGAR, BAGALKOT, DIST. BAGALKOT 587101.

…RESPONDENT

(BY SRI. Y.R. JOGI, ADVOCATE)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF KARNATAKA HIGH COURT ACT, 1961, PRAYING TO, SET ASIDE THE IMPUGNED ORDER DATED 30.01.2023 PASSED BY THE LEARNED SINGLE JUDGE OF THIS HON'BLE COURT IN W.P.NO.100565/2023 (GM-RES).

IN WRIT APPEAL NO.100599 OF 2023:
BETWEEN:

1. THE CHIEF ENGINEER,
THE BAGALKOT TOWN DEVELOPMENT AUTHORITY,
BAGALKOT, DIST. BAGALKOT-587101.

2. THE REHABILITATION OFFICER,
BAGALKOT TOWN DEVELOPMENT AUTHORITY,
BAGALKOT, DIST. BAGALKOT-587101.

...APPELLANTS

(BY SRI. G.K. HIREGOUDAR, GOVERNMENT ADVOCATE)

AND:

KARIMUDDIN I. CONTRACTOR,
AGE. 70 YEARS, OCC. NIL,

R/O. SECTOR NO.38, NEAR BSNL TOWER,
NAVANAGAR, BAGALKOT, TQ & DIST. BAGALKOT 587101.
GPA HOLDER OF LRs OF PARUNARAHID ALIAS HARUNRASHID
CONTRACTOR SINCE DECEASED.

…RESPONDENT

(BY SRI. Y.R. JOGI, ADVOCATE)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF KARNATAKA HIGH COURT ACT, 1961, PRAYING TO, SET ASIDE THE IMPUGNED ORDER DATED 15.02.2023 PASSED BY THE LEARNED SINGLE JUDGE OF THIS HON'BLE COURT IN W.P.NO.100981/2023 (GM-RES).

IN WRIT APPEAL NO.100600 OF 2023:
BETWEEN:

1. THE CHIEF ENGINEER,
   THE BAGALKOT TOWN DEVELOPMENT AUTHORITY,
   BAGALKOT, DIST. BAGALKOT-587101.

2. THE REHABILITATION OFFICER,
   BAGALKOT TOWN DEVELOPMENT AUTHORITY,
   BAGALKOT, DIST. BAGALKOT-587101.

...APPELLANTS

(BY SRI. G.K. HIREGOUDAR, GOVERNMENT ADVOCATE)

AND:

SIKANDAR S/O IBRAHIM SAHIB
CONTRACTOR,
SINCE DECEASED BY HIS LR,
JANMOHAMAD SIKANDAR SAHEB
CONTRACTOR,
AGE. 47 YEARS, OCC. BUSINESS,
R/O. SECTOR NO.49, PLOT NO.63-A,
NAVANAGAR, BAGALKOT, DIST. BAGALKOT-587101.

…RESPONDENT

(BY SRI. Y.R. JOGI, ADVOCATE)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF KARNATAKA HIGH COURT ACT, 1961, PRAYING TO, SET ASIDE THE IMPUGNED ORDER DATED 15.02.2023 PASSED BY THE LEARNED SINGLE JUDGE OF THIS HON'BLE COURT IN W.P.NO.100949/2023 (GM-RES).

THESE APPEALS HAVING BEEN RESERVED FOR JUDGMENT ON 05.08.2024 COMING ON FOR PRONOUNCEMENT, THIS DAY, **KRISHNA S.DIXIT J.,** DELIVERED THE FOLLOWING:

CORAM: THE HON'BLE MR. JUSTICE KRISHNA S.DIXIT
AND
THE HON'BLE MR. JUSTICE VIJAYKUMAR A.PATIL

CAV JUDGMENT
(PER: THE HON'BLE MR. JUSTICE KRISHNA S.DIXIT)

All these appeals involving substantially similar questions of facts & law seek to call in question a learned Single Judge's order made in a batch of Writ Petitions. The lead judgment is rendered in W.P.No.105109/2022 (GM-RES) filed by the private respondent and disposed off on 23.01.2023. The said judgment, in its operative portion, reads as under:

> *"iii) The respondents are directed to allot 'E' category site in favour of the petitioner after receiving the sital value from him as expeditiously as possible and at any rate within a period of three months from the date of receipt of a copy of this order."*

II. Facts in brief:

(a) Bagalkot Town Development Authority is constituted under the Karnataka Improvement Boards Act, 1976. The Government has promulgated Bagalkot Town Development Authority (Allotment of Sites) Rules, 1993, which provide for rehabilitation of displaced families because of sub-merger/acquisition of their lands for the formation of new town. Persons in occupation of properties as owners, tenants and the like are also within the focus of these Rules.

(b) According to the appellant, it is the policy of the State that, in terms of 1993 Rules, the displaced persons/families apart from being paid compensation, are entitled to the grant of house sites on compassionate ground; certain sites area allotted free of cost whereas others are on concessional rates. Learned counsel appearing for the Authority argues that the allotment is independent of the extent of lands lost in acquisition/sub-merger and that the concept of distributive justice should animate interpretation of these Rules. In other words, claim for

multiple sites cannot be considered, the focal point of Rules being the 'family'.

(c) The Authority by the endorsements that were challenged in the writ petitions, had rejected the claim of individuals/families for the grant of multiple sites, notwithstanding that the claimants have lost in the sub-merger/acquisition multiple properties. Learned counsel appearing for the claimants, who are the respondents herein, controverts the argument of learned GA and makes submission in justification of the impugned judgments. He seeks dismissal of all the writ appeals as being devoid of merits.

III. Having heard the learned counsel for the parties and having perused the appeal papers, we are inclined to grant indulgence in the matter for the following reasons:

(1) It is not in dispute that, the private respondents herein are the landlosers or the land displaced persons and that they have been allotted sites on compassionate grounds, in addition to the

compensation in respect of the lands acquired or properties submerged. The assertion of learned GA that what has been given to these respondents is more than what they have lost in acquisition/sub-merger is not much disputed. Therefore, as a matter of statutory policy, all these respondents have derived reasonable benefit in the form of sites, is undeniable, notwithstanding their claim for more.

(2) 1993 Rules having been promulgated under Section 69(1) of the 1976 Act, have statutory force. Rule 2 is the dictionary clause of the Rules. Clause (g) defines who the "displaced person" is and the respondents answer this definition. Clause (h) defines 'Family' to mean the spouses and their wholly dependent children. Rule 3 creates five categories of sites viz., A, B, C, D & E on the basis of their dimensions ranging from 72 to 496 sq. mts.

(3) Rule 4 regulates allotment of sites. Sub-rule (1) provides for allotment of one site ad measuring 72 sq. mts. free of costs to each displaced family. If such a

family requires a site of larger dimension on payment of differential cost at the rates specified in sub-rule (3). These rates are apparently concessional. In other words, the market price of these sites shall be much higher. The contention that every individual should be granted multiple sites if he has lost multiple properties militates against the policy content of these Rules. What one cannot lose sight of is that, the allotment of one site ad measuring 8 x 9 sq. mts. is free of cost and it is in addition to the payment of compensation. Higher dimension sites also avail on payment of differential of the cost and even that cost is concessional. Therefore, the plurality of properties lost pales into insignificance.

(4) The scheme of these Rules leaves no manner of doubt that the allotment is family-specific and not individual-oriented, as rightly submitted by the learned GA appearing for the appellant-Authority. In certain circumstances, even the definition of 'family' is expanded in the sense that even every male child of

head of displaced family who was major on the date of issuance of Preliminary Notification for acquisition of land would be treated as a separate family for the purpose of allotment of site under Rule 4 as stated in the proviso to the Explanation to sub-Rule (2). The argument that the individual should be the focal point of allotment would defeat the policy of distributive justice as enacted in Article 39(b) & (c) of the Constitution of India which enshrines a Directive Principle as rightly contended by learned AAG appearing for the State.

(5) The vehement submission of learned counsel Mr. Nadaf and others appearing for the respondents that where multiple properties are submerged, the allotment of free site of fixed dimension or concessional site of higher dimension should be correspondingly allotted, if accepted, may eventually result into landloser getting more land than he lost. This plainly runs counter to the policy of providing house sites to the needy and not to the greedy.

Learned AAG is right in contending that under Article 39(b) & (c) of the Directive Principles of State Policy, the State has constitutional obligation to prevent concentration of wealth. Any person who claims additional site or benefit under the subject Rules has to demonstrate his legal entitlement thereto and in the absence of such demonstration, no relief can be granted in writ jurisdiction, vide ***Khatoon Vs. State of U.P.***[1]

(6) The vehement submission of Mr. Nadaf that the first proviso to sub-rule (2) of Rule 4 having been amended two children regardless of their gender, of the head of the displaced family, who had attained majority on the date of Preliminary Notification have to be treated as two separate entitlements, in addition to what has been allotted to the displaced family is a matter which should be looked into by the Authority after ascertaining the factuals, on the basis of evidentiary

[1] (2018) 14 SCC 346

material. In that connection, contentions of the parties are kept open for being reconsidered at the hands of the Authority itself.

In the above circumstances, these appeals are allowed and impugned judgments rendered in the subject writ petitions are set aside. However, the claim for allotment in terms of amended first Proviso to sub-rule (2) of Rule 4 has to be adjudged by the Authority afresh after giving an opportunity of hearing to all the stakeholders, within an outer limit of six months. In that connection, all contentions are kept open.

Costs made easy.

Sd/-
(KRISHNA S.DIXIT)
JUDGE

Sd/-
(VIJAYKUMAR A.PATIL)
JUDGE

KMS, CT:VP
LIST NO.: 1 SL NO.: 0