

**IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION**

**Miscellaneous Application Nos.663-677 of 2020  
in  
Civil Appeal Nos 6662-6670 of 2002 and 6671-6676 of 2002**

**Vasanth Sreedhar Kulkarni & Ors**

**...Appellant(s)**

**Versus**

**State of Karnataka & Ors**

**...Respondent(s)**

**ORDER**

- 1 In pursuance of the order of this Court dated 5 May 2021, Mr S N Bhat, learned counsel appearing on behalf of the Belgaum Urban Development Authority, states that the unserved parties have been served through the learned counsel appearing on their behalf in the writ petition before the High Court.
- 2 The relief which has been sought in the MA is for a clarification that the order dated 14 October 2011 passed in Civil Appeal Nos 6662-6670 of 2002 and 6671-6676 of 2002 does not confer any right on the appellants in the main appeals or any party, to claim alternative sites from the applicant and that the Belgaum Urban Development Authority is at liberty to consider any claim for allotment of sites strictly in accordance with applicable rules and norms.
- 3 In paragraphs 26 and 27 of the judgment and order of this Court dated 14 October 2011, the following conclusions have been arrived at:

“26. By applying clause (ii) of the aforesaid principles, we hold that possession of the acquired land had been taken by the Special Land Acquisition Officer in accordance with law and neither the BDA had the jurisdiction to make a recommendation for denotification of the acquired land nor the State Government could issue notification under Section 19(7) of the 1987 Act. It also appears to us that

both, the BDA and the State Government laboured under a mistaken impression that the power under Section 19(7) of the 1987 Act can be exercised by the latter. If that was not so and the BDA genuinely felt that a case was made out for deacquisition of land comprised in survey Nos. 533/1, 534/A and 534/B, then it could have, on its own, issued notification under Section 19(7) of the 1987 Act.

27. The question whether Mumtaz Begum and others who claim to have purchased small parcels of land from Allahuddin Khan after the issuance of notifications under Section 17(1) of the 1987 Act should be allowed to retain the same despite the fact that the BDA had carved out sites and allotted plots to more than 100 eligible applicants deserves to be answered in negative in view of the law laid down in *Yadu Nandan Garg v. State of Rajasthan* 1996(1) SCC 334, *U.P. Jal Nigam, Lucknow v. Kalra Properties (P) Ltd.* (1996) 3 SCC 124, *Sneh Prabha v. State of U.P.* (1996) 7 SCC 426, *Ajay Krishan Shinghal v. Union of India* (1996) 10 SCC 721, *Star Wire (India) Ltd. v. State of Haryana* (1996) 11 SCC 698, *Jaipur Development Authority v. Daulat Mai Jain* (1997) 1 SCC 35, *Meera Sahni v. Lt. Governor of Delhi* (2008) 9 SCC 177 and *Tika Ram v. State of U.P.* (2009) 10 SCC 689.”

In the circumstances, the appeals were dismissed. Paragraph 29 of the judgment reads as follows:

- “29. In the result, the appeals are dismissed. Appellants – Vasanth Sreedhar Kulkarni and Eshwar Gouda Burma Gouda Patil shall pay cost of Rs.1,00,000/- each to the BDA for thrusting unwarranted litigation upon it. The BDA shall ensure delivery of possession of the sites to the allottees within 8 weeks from today. However, it is made clear that this judgment shall not preclude the State Government from allotting alternative sites to Mumtaz Begum and others, who are said to have purchased small parcels of land from the landowners through Allahuddin Khan.”

- 4 It is evident that the last sentence of paragraph 29 does not confer any right to allotment on any party.
- 5 While processing any application for an alternative site, the applicant – Belgaum Urban Development Authority, would have to consider the application strictly in accordance with applicable rules and norms.

7 The Miscellaneous Applications are accordingly disposed of.

.....J.  
[Dr Dhananjaya Y Chandrachud]

.....J.  
[Hrishikesh Roy]

**New Delhi;**  
**July 12, 2021**  
**-S-**

