



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 14<sup>TH</sup> DAY OF AUGUST, 2024**

**BEFORE**

**THE HON'BLE MR JUSTICE M.I.ARUN**

**WRIT PETITION NO. 26321 OF 2018 (BDA)**

**BETWEEN:**

1. H SHIVANNA  
S/O LATE HONNAPPA,  
AGED ABOUT 63 YEARS,  
THYARANAPALLYA VILLAGE,  
MANIGANAHALLI (POST)  
KUDUR HOBLI,  
MAGADI (TQ)  
RAMANAGARA (DIST)-562 127

... PETITIONER

(BY SRI. PRAKASH R M., ADVOCATE)

**AND:**

1. THE COMMISSIONER  
BANGALORE DEVELOPMENT AUTHORITY,  
T.CHOWDAIAH ROAD,  
KUMAR PARK WEST,  
BANGALORE-560 020

... RESPONDENT

(BY SRI. VINAYAKA S PANDIT., ADVOCATE)

THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT OF MANDAMUS TO EXTEND THE PERIOD FOR PAYMENT OF SITE VALUE FOR THREE YEARS AS IT IS APPLICABLE TO OTHER ALLOTEES AS PER THE CLAUSE E(i) OF ALLOTMENT LETTER DTD 07.12.2016 ISSUED BY THE RESPONDENT BEARING





NO.BDA.DS.1/B.8.SD/1411/NPKL/2015-16 VIDE ANNEXURE-E  
AND ETC.

THIS PETITION COMING ON FOR ORDERS THIS DAY,  
ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR JUSTICE M.I.ARUN

**ORAL ORDER**

1. Petitioner is a person belonging to scheduled caste. At his request, the respondent - Bangalore Development Authority (BDA) allotted a site measuring 15x24 metres on 20.10.2016. The petitioner was required to pay the entire consideration within a period of 60 days from the date of allotment and BDA has raised demands on the petitioner to make the said payments. Aggrieved by the same, the present writ petition is filed by the petitioner.

2. The contention of the petitioner is that, he is entitled to pay the balance consideration amount within a period of three years from the date of allotment and BDA cannot demand that the same has to be paid within 60 days. However, as the said concession is extended only to



allottees of the site measuring 6x9 metres, 9x12 metres and 12x18 metres, petitioner has filed the present writ petition with the following prayers:

*"Wherefore it is most respectfully prayed that this Honorable Court may be pleased to,*

*i. Issue a Writ of mandamus to extend the period for payment of site value for three years as it is applicable to other allottees as per the clause E (i) of allotment letter dated 07/12/2016 issued by the respondent bearing No.BDA.DS-1/B.8-SD/1411/NPKL/2015-16 vide Annexure.E, and,*

*ii. Issue the Writ of certiorari against the BDA Rule 13(1) of 1984 where there is no any express provision for making the mode of payment for allotment of sites measuring 15x24 meters under SC/ST category Ann-M.*

*iii. Issue such other orders as this Hon'ble court may deem fit in view of the facts and circumstances of the case in the interest of justice and equity."*



3. It is contended by the petitioner that the concession of three years has to be extended to the persons belonging to scheduled caste category irrespective of dimension of site allotted to them. It is contended that Rule 13(1)(a) of the Bangalore Development Authority (Allotment of Sites) Rules, 1984 (for short 'the Rules') is unconstitutional. However, he is not in a position to explain how it is unconstitutional.

4. Rule 13 (1)(a) of the Rules reads as under:-

**13. Conditions of allotment and sale of site.-** *The allotment of a site under these rules shall be subject to the following conditions:*

*(1) The allottee shall, within a period of sixty days from the date of receipt of notice of allotment pay to the Authority, the balance sital value deducting the initial deposit. If the balance sital value is not paid within a period of sixty days, the Authority may on application of the allottee, extend the time for payment for a further period not exceeding one hundred twenty days as a final chance and the allottee shall pay an additional interest at the rate of*



*eighteen per cent on the balance sital value for the first thirty days of the extended period and at the rate of twenty-one per cent for the next ninety days of the extended period. If the amount is not paid within such extended period also, the registration fee shall be liable to be forfeited and the allotment may be cancelled without prior intimation:]*

*[Provided that where an allottee is a person belonging to.-*

*(a) the Scheduled Castes and Scheduled Tribes, [Category I], or to a family of a defence personnel killed or disabled during hostilities and who has been allotted a site of 6x9 M and 9x12 M or 12x18 M dimensions; or"*

5. No doubt, the State can make special provision for the advancement of scheduled caste persons by giving them certain concession. The same is left to the discretion of the State. The said discretion also has to be exercised rationally with the aim of achieving the objectives wherein the disability suffered by a person, because he belongs to a scheduled caste, is sought to be removed. In the instant



case, the State has deemed it fit to grant more time for payment of sale consideration for the persons belonging to scheduled caste for smaller sites and has not considered extending the said benefit to a person purchasing a larger site, as such persons are not considered being subjected to any disability, vis-a-vis a person belonging to the general merit category. I do not see any error in the decision of the State in this regard. More over, the aforementioned Rule 13 has been held to be constitutionally valid by this Court in W.A.No.2894/2014.

6. As per the said rule, the petitioner is required to pay the entire sale consideration towards the site within a period of 60 days from the date of allotment and I do not see any error in the actions of the respondent - BDA in demanding the said sum.

7. Further, it is submitted that BDA has not taken any action against the petitioner pursuant to the said demand and that the petitioner has not paid the entire sale



consideration even till today which is nearly 8 years from the date of allotment.

8. For the aforementioned reasons, I do not see any reason why the writ petition has to be entertained. The writ petition being devoid of merits, is hereby ***dismissed***.

9. Pending interlocutory applications, if any, stand disposed of.

**SD/-  
(M.I.ARUN)  
JUDGE**

VMB