

**BEFORE THE NATIONAL GREEN TRIBUNAL (SZ)**

**CHENNAI**

**Application No.144/2022**

**BETWEEN:**

**SRI. PARAMESH. V**

**.....Applicant**

**AND**

**THE DEPUTY COMMISSIONER**

**AND OTHERS**

**.....Respondents**

**MEMO**

The undersigned counsel most respectfully submits that:

1. One **Mr. Jagan Kumar** has filed a case before the Honorable Karnataka Land Grabbing Prohibition Special Court in Bangalore. This case is currently pending in the file of the **Honorable Karnataka Special Court On Land Grabbing Prohibition, Court Hall-I in L.G.C. (P) No. 280/2023 in Jagan Kumar J. v. Ramani Shastry & Anr.** The case pertains to the alleged illegal encroachment upon 6 guntas of government land, specifically a nala/canal/rajakaluve located in **Sy. No. 46/1, 46/2 and the nala which is adjacent to northern side of Sy. No.47 of Devarabeesanahalli village, Bengaluru East Taluk, Bengaluru Urban District.** The petitioner in the said case (L.G.C. (P) No. 280/2023) seeks direction from the court to ensure the restoration, protection, and preservation of the government nala/canal/rajakaluve.
2. Additionally, the petitioner in L.G.C. (P) No. 280/2023 requests a permanent injunction to prevent the respondents from engaging in any construction activity or alienating the land. Furthermore, seeks the conviction of the accused for the offense of land grabbing concerning the government nala/canal/rajakaluve.
3. Further, An Interim Application (IA-No1) has also been filed in L.G.C. (P) No.280/2023, seeking a temporary injunction against the respondents/accused. The said relief is sought for restraining the respondents/accused, their agents, or anyone acting on their behalf from erecting any structures, conducting construction on the property, or alienating the said property until the complaint is resolved. The petitioner in L.G.C. (P) No. 280/2023 also requests that the court take cognizance of the offenses committed by the respondents.
4. On perusal of contents of the complaint, documents and affidavit sworn to in support of I.A. No.1, the said Hon'ble Court was of the opinion that the complainant in L.G.C. (P) No. 280/2023 (Mr. Jagan Kumar) had made out a prima facie case and was pleased to grant ex-parte temporary injunction thereby restraining respondents in L.G.C. (P) No. 280/2023 and anyone claiming from constructing, altering, or alienating the scheduled property in any manner until the next

5. scheduled hearing date. Subsequently, the said interim Order of stay is extended till 27.11.2023.
6. The Certified copies of the aforementioned court orders along with the translated copies, are enclosed with this memo for the consideration of this Hon'ble Court and the same may be taken on record, in the interest of justice.



**Advocate for Applicant**

**Place: Chennai**

**Date : 09/10/2023**

Complaint

ನಾರ್ತಕ ಭೂ ಕಬಳಿಕೆ ನಿಷೇಧ ವಿಶೇಷ ನ್ಯಾಯಾಲಯ

C.No: 1726  
02/9/23

3ನೇ ಮಹಡಿ, ಕಂದಾಯ ಭವನ, ಕಂಪೇಗೌಡ ರಸ್ತೆ, ಬೆಂಗಳೂರು.

ನ್ಯಾಯಾಂಗಣ-

ಎಲ್.ಜಿ.ಸಿ.(ಪಿ) ನಂ. 313 /2023

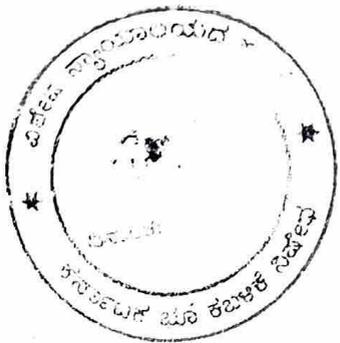
ಅರ್ಜಿದಾರರು

Jagan Kumar,J,  
S/o Jayaraman,  
Aged about 42 years,  
D-207, S.S. Snow Drop,  
Belathur Meda halli Main Road,  
Kumbena Agrahara, Kadugodi Post,  
Bengaluru-560 067.

-ವಿರುದ್ಧ-

ವಿರುದ್ಧದಾರರು :

1. Palaka Suresh (Major)  
Managing Partner,  
M/s. Surya Projects,  
No.439, 11<sup>th</sup> Main, 14<sup>th</sup> Cross,  
BEML Layout, Thubarahalli,  
Bengaluru-560066.  
  
Project Office at  
M/s. Surya Projects,  
Sy. No.42, Channasandra Main Road,  
Behind Kateramma Devi Temple,  
Bengaluru-560 007.
2. Dayanand  
Deputy Commissioner,  
Bengaluru Urban District,  
Behind Kandaya Bhavan,  
K.G. Road, Bengaluru-560009.
3. Tushar Giri Nath,  
Commissioner- BBMP,  
BBMP Head Office,  
N.R. Square,  
Bengaluru-560002.
4. Manjesh,  
Joint Director Town Planning (North),  
BBMP Head office Building,  
1<sup>st</sup> Floor, N.R. Square,  
Bengaluru-560002.
5. Ravi,  
Tahsildar,  
Bengaluru East Taluk,  
Diesel Shed Road, K.R. Puram,  
Bengaluru-560 036.



Lye (P) 313/4

- 6. Vijay Mohan Raj,  
Member Secretary,  
State Level Environment Impact  
Assessment Authority (SEIAA),  
M.S. Building,  
Bengaluru-560001.
- 7. Shanth A. Thammaiah,  
Chairman,  
KSPCB, Parisara Bhavan,  
No.49, Church Street,  
Bengaluru-560001.
- 8. Mahendra,  
Environmental Officer-KSPCB,  
Bengaluru East R.O.,  
Mahadevapura Zone,  
Nisarga Bhavan, 3<sup>rd</sup> Floor,  
Thimmaiah Main Road,  
Basaveshwaranagar,  
Bengaluru-560079.

**ಆಡರ್ ಶೀಟ್**

**ದಿನಾಂಕ 05ನೇ ಸೆಪ್ಟೆಂಬರ್ 2023**

ಅರ್ಜಿದಾರರು ನ್ಯಾಯಾಲಯಕ್ಕೆ ಕರ್ನಾಟಕ ಭೂ ಕಬಳಿಕೆ ನಿಷೇಧ ಕಾಯ್ದೆ ಕಲಂ 9(1)ರಡಿಯಲ್ಲಿ ಅರ್ಜಿ ಸಲ್ಲಿಸಿ, ಬೆಂಗಳೂರು ಪೂರ್ವ ತಾಲ್ಲೂಕು, ಬಿದರಹಳ್ಳಿ ಹೋಬಳಿ, ಚನ್ನಸಂದ್ರ ಗ್ರಾಮದ ಸರ್ವೆ ನಂ. 42ರ ಸರಕಾರಿ ರಾಜಕಾಲುವೆ ಜಾಗದಲ್ಲಿ 1ನೇ ಎದುರುದಾರರು 0.02 ಗುಂಟೆ ಮತ್ತು 0.01 ಗುಂಟೆ ನೀರಿನ ಬಾವಿ ಜಾಗವನ್ನು ಅಕ್ರಮವಾಗಿ ಒತ್ತುವರಿ ಮಾಡಿಕೊಂಡು ಬಹುಮಹಡಿಗಳ ವಾಸದ ಅಪಾರ್ಟ್‌ಮೆಂಟ್ ನಿರ್ಮಿಸಿರುತ್ತಾರೆ. ಈ ಬಗ್ಗೆ ಎದುರುದಾರ ನಂ.2 ರಿಂದ 8 ರವರು ಯಾವುದೇ ಕ್ರಮ ಕೈಗೊಂಡಿರುವುದಿಲ್ಲವೆಂದು ಆರೋಪಿಸಿರುತ್ತಾರೆ. ಸದರಿ ದೂರಿನ ಅನ್ವಯ ಎದುರುದಾರರ ವಿರುದ್ಧ ಸೂಕ್ತ ಕಾನೂನು ಕ್ರಮ ಕೈಗೊಂಡು ಮತ್ತು ಸರ್ಕಾರಿ ಭೂಮಿಯನ್ನು ಸಂರಕ್ಷಿಸಬೇಕೆಂದು ಮನವಿ ಮಾಡಿಕೊಂಡಿರುತ್ತಾರೆ. ಸದರಿ ದೂರಿನ ಜೊತೆ ಇತರ ದಾಖಲೆಗಳನ್ನು ಹಾಜರುಪಡಿಸಲಾಗಿದೆ, ಅವುಗಳನ್ನು ಪರಿಶೀಲಿಸಲಾಯಿತು. ಸದರಿಯವರ ದೂರನ್ನು ಗೌರವಾನ್ವಿತ ಅಧ್ಯಕ್ಷರ ಮುಂದಿನ ಆದೇಶಕ್ಕಾಗಿ ಮಂಡಿಸಿದೆ.

**ಮಧ್ಯಕಾಲೀನ ಅರ್ಜಿ ನಂ.1:**

ಸಿ.ಪ್ರ.ಸಂ. ಆದೇಶ 39 ನಿಯಮ 1 ಮತ್ತು 2 ಮತ್ತು ಕಲಂ 151 ಹಾಗೂ ಕರ್ನಾಟಕ ಭೂ ಕಬಳಿಕೆ ನಿಷೇಧ ಅಧಿನಿಯಮ 9(1)ರ ಪ್ರಕಾರ ಅರ್ಜಿ ಸಲ್ಲಿಸಿ, ಎದುರುದಾರರು ಅವರ ವಿಚಿಂಟರು, ಸೇವಕರು ಅಥವಾ ಅವರ ಪರ ಯಾರೇ ಆಗಲಿ, ಅನುಸೂಚಿ ಸ್ಥತ್ತಿನಲ್ಲಿ ಕಟ್ಟಡ ಕಟ್ಟಿದಂತೆ ಅಥವಾ ಯಾವುದೇ ಚಟುವಟಿಕೆ ನಡೆಸದಂತೆ ಹಾಗೂ ಸ್ಥತ್ತನ್ನು ಪರಭಾರೆ ಮಾಡದಂತೆ ಈ ಅರ್ಜಿ ತೀರ್ಮಾನವಾಗುವಂತಹ ತಾತ್ಕಾಲಿಕ ನಿರ್ಬಂಧಕಾಜ್ಜಿ ಕೊಡಲು ಪ್ರಾರ್ಥಿಸಿರುತ್ತಾರೆ.

*Rafanurafos/09/23*  
ಶಾಖಾಧಿಕಾರಿಗಳು (ನ್ಯಾಯಿಕ)

ಕ. ಭೂ ಕಬಳಿಕೆ ನಿಷೇಧ ವಿಶೇಷ ನ್ಯಾಯಾಲಯ  
ಬೆಂಗಳೂರು

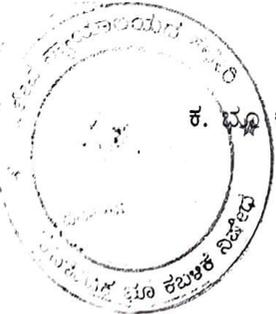
*[Signature]*

ವಿಲೇಖನಾಧಿಕಾರಿಗಳು,  
ಕ. ಭೂ ಕಬಳಿಕೆ ನಿಷೇಧ ವಿಶೇಷ ನ್ಯಾಯಾಲಯ  
ಬೆಂಗಳೂರು

List this matter before  
CH. No. 1

*[Signature]*  
06/09/23

Hon'ble Chairman



7-09-2023

Compl. of ~~Shri~~ Sripada  
Nagesh 1A8

To hear on I.A.

Case called out. Complainant is present.

Heard the complainant.

This complaint is filed by the complainant against respondents No.1 to 8 with a prayer to take cognizance of offence committed by the respondents, to issue direction to respondents to restore, protect and preserve the Government Halla/Nala/Rajakaluve and Gundu Thopu and issue permanent injunction restraining the respondents from any type of construction activities or alienate and convict the respondents for the offence committed by them.

At the time of filing the complaint, the complainant has filed I.A. No.1 under Order XXXIX Rule 1 and 2 r/w Section 151 of CPC r/w Section 9(1) of the KLGP Act with a prayer to grant *ex parte* temporary injunction against respondents No.1 to 8 restraining them from carrying out any construction, alienating or any activities in the said land till disposal of the present case.

In support of the said interim application, the complainant has sworn to an affidavit and produced the documents.

Admittedly, the respondents No.2 to 8 are Deputy Commissioner, Bengaluru Urban District, Commissioner, BBMP, Joint Director Town Planning (North), Tahsildar, Bengaluru East Taluk, Member Secretary, State Level Environment Impact Assessment Authority, Chairman, KSPCB and Environmental Officer, KSPCB. Since respondents No.2 to 8 are the employees of Government, *ex parte* temporary injunction cannot be granted without hearing them.

The complainant has made out a prima facie case to grant *ex parte* temporary injunction against respondent No.1. If an order of *ex parte* temporary injunction as prayed in I.A. No.1 is not granted against respondent No.1, the purpose of filing this complaint would be defeated by delay. Hence, we pass the following:

ORDER

Issue *ex parte* temporary injunction against respondent No.1 or anybody claiming through him restraining him from carrying out any construction or any activities or alienating the schedule property till next date of hearing.

The complainant is hereby directed to comply with the provisions of Order XXXIX Rule 3(A) of CPC.



CR 02 Anple  
40-39 RUC  
3(A) 01  
8.9.23  
VQ

Issue emergent notice to respondents No.1 to 8 and issue ex parte temporary injunction against respondent No.1 along with copy of complaint, copy of I.A. No.1 if proper steps are taken by the complainant.

Issue direction to respondents No.2 to 8 to submit a detailed report with regard to the alleged encroachment, extent of encroachment, name and address of the alleged encroachers along with relevant documents and survey sketch.

Office is directed to send a copy of the complaint to respondents No.2 to 8 to facilitate them to submit the detailed report and status report along with relevant records and survey sketch.

Call on for appearance of respondents and for report by 10.11.2023.

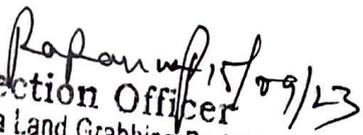
  
Chairman

  
Judicial Member

  
Revenue Member

nkpg/-

Copy Applied by Complainant  
Copy Applied on 08/9/23  
Copy Prepared by ANK  
Copy Compared by .....  
Now Ready on 12/9/23  
Copy Delivered on 20/9/23  
04 pages Re 081-

  
Section Officer  
Karnataka Land Grabbing Prohibition  
Special Courts, Bengaluru.



**BEFORE KARNATAKA SPECIAL COURT ON LAND  
GRABBING PROHIBITION**  
3<sup>rd</sup> Floor, Kandaya Bhavan, Kempegowda Road, Bengaluru

COURT HALL – I  
L.G.C. (P) No. 280/2023

**PETITIONER:**

Jagankumar J. S/o Jayaraman  
Aged about 42 years,  
D-207, S.S. Snow Drop,  
Bellatur-Medihalli Main Road,  
Kubena Agrahara, Kadugodi Post,  
Bengaluru – 560067.

Vs.

**RESPONDENTS:**

1. Ramani Shastry,  
Director, M/s Sterling Urban Infrastructure  
Pvt., Ltd., Prestige Nebula, Level-5, No.5,  
Cubbon Road, Opp. Income Tax Office,  
Bengaluru.

2. Tahsildar,  
Bengaluru East Taluk,  
Krishnarajapuram,  
Bengaluru.

**ORDER SHEET**

Dated 08<sup>th</sup> August 2023

The Petitioner has filed a petition before this court under Section 9(1) of the Karnataka Land Grabbing Prohibition Act, alleging that the Respondent No.1 has been constructing an apartment by encroaching upon 6 guntas of government nala/canal/rajalaluve in Sy. No. 46/1 and 46/2 of Devarabeesanahalli village, Bengaluru East Taluk, Bengaluru Urban District, and he has further alleged that the Respondent No.2 had not taken any action in this regard. He has sought that appropriate legal action be initiated against the encroacher and government land be protected. He has produced documents along with the complaint and they were perused. The said complaint is put up for further orders by the Hon'ble Chairman.

Interlocutory application No.1: An application is filed under Section 9(1) of the Karnataka Land Grabbing Prohibition Act and Order XXXIX Rules 1 and 2 read with Section 151 CPC seeking to pass an interim order restraining the Respondents and their agents or anyone on their behalf from putting up any

structure or construction of building and from alienating the said property till the disposal of this complaint.

Sd/-  
Section Officer (Judicial)  
K. Spl. Court for Land Prohibition  
Bengaluru

List this matter before  
C.H. No.

Sd/-  
Registrar  
K. Spl. Court for Land Prohibition  
Bengaluru

Hon'ble Chairman

<p>10.08.2023 Complainant by in-person R-2 To hear on IA u/o 39 Rule 1&amp;2 r/w 151 CPC r/w 9(1) of KLG Act</p>	<p>Cased called out. Complainant is present. Heard the complainant Complainant has filed this complaint against respondents No.1 and 2 with a direction to take cognizance of offence committed by the respondents and to issue direction to the respondent to restore, protect and preserve the Government halla/Nala/Rajakaluve and issue permanent injunction restraining the respondents from any type of construction activity or alienation and to convict the accused for land grabbing of Government halla.</p>
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Along with the complaint, the complainant has filed I.A. No. 1 under Order XXXIX Rule 1 & 2 r/w Section 151 CPC r/w Section 9(1) of the Karnataka Land Grabbing Prohibition Act, 2011 with a prayer to grant an ex parte temporary injunction against respondent No.1 restraining him or anybody claiming through him from constructing any building and alienating the schedule land till disposal of this petition.

In support of I.A. No.1 the complainant has sworn to an affidavit and he has produced the documents, more particularly the documents No.1 to 6.

On perusal of contents of the complaint, documents and affidavit sworn to in support of I.A. No.1, we are of the opinion that the complainant has made out a prima facie case to grant ex parte temporary injunction against respondent No.1 as prayed in I.A. No.1 till next date of hearing. If the ex parte temporary

injunction as prayed in I.A. No.1 is not granted, the purpose of filing this petition would be defeated by delay. Hence, we pass the following

**ORDER**

Issue ex parte temporary injunction restraining the respondent No.1 or anybody claiming through the respondent No.1 from constructing or altering schedule property in any way or altering schedule property in any way or alienating the schedule property till the next date of hearing.

The complainant is hereby directed to comply with the provisions of Order XXXIX Rule 3(A) CPC.

Issue ex parte temporary injunction against respondent No.1 along with copy of the complaint, copy of I.A. No.1 if proper steps are taken by the complainant.

Issue direction to respondent No.2/Tahsildar, Bengaluru East Taluk, to submit a detailed report as well as status report with regard to the allegations made in the complaint on or before next date of hearing. He is also directed to get the schedule land surveyed and to file survey sketch along with details of names of persons who have encroached and the extent of encroachment.

Office is directed to send a copy of the complaint to the Tahsildar, Bengaluru East Taluk, K.R. Puram, to facilitate him to submit the detailed report and status report along with relevant records and survey sketch.

Call on for return of notice and for sworn statement of complainant by 4.10.2023.

Chairman

Judicial Member

Revenue Member

*Complied under Or.39  
& 3(A) CPC on 11.8.23*