

**BEFORE THE NATIONAL GREEN TRIBUNAL  
SOUTHERN ZONE BENCH, CHENNAI  
ORIGINAL APPLICATION NO. 60/2023**

**IN THE MATTER OF:**

Hari Krishna Paidi Lakshmaiah

...APPLICANT

Versus

State of Karnataka and Ors

...RESPONDENTS

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**Filed By**



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**Date: 20.03.2024**

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**AFFIDAVIT ON BEHALF OF BANGALORE DEVELOPMENT  
AUTHORITY**

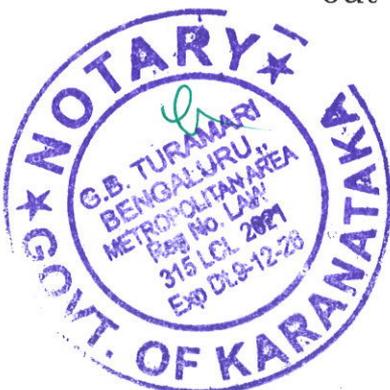
**MOST RESPECTFULLY SHOWETH:**

I, N.Jayaram S/o Narasimhaiah, aged about 59 years, working as Commissioner, Bangalore Development Authority, having office at Kumara Park West, T. Chowdaiah Road, Bengaluru – 560 020, Karnataka do hereby solemnly affirm and state on oath as follows:

1. That the instant Original Application has been filed before this Hon'ble Tribunal alleging that the Bangalore Development Authority ('**BDA**') has been carrying out construction activities in the buffer zone of the Bellandur Lake in Bengaluru ('**the said lake**').
2. That the Deponent by way of report dated 07.11.2023 has already apprised this Hon'ble Tribunal of the fact that there are no construction activities being undertaken by the BDA. Instead, the work being carried out by BDA which the Applicant has wrongly projected

*N. Jayaram*

*my*



as 'construction' is rejuvenation and rehabilitation works in terms of the orders passed by this Hon'ble Tribunal in O.A. No. 125/2017.

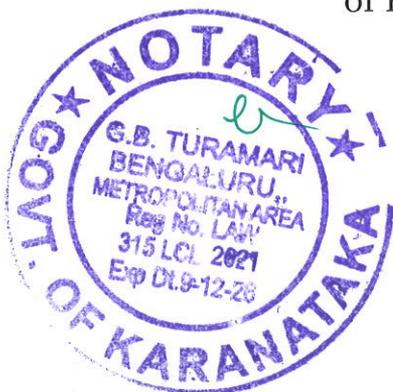
3. The details of the said works being carried out are as follows:
4. **Chain Link Fencing:** Chain link fencing has been installed around Bellandur Lake to protect it from encroachments and to safeguard the lake boundaries, except for a 1.2 km length near Ambedkar ~~slum~~ area adjacent to Bellandur lake. The said area has not been fenced as of now owing to pending legal dispute before the Hon'ble High Court of Karnataka at Bengaluru in W.P. No. 50953/2019. True Copy of memorandum of Writ Petition No. 50953/2019 filed before the Hon'ble High Court of Karnataka is annexed herewith as **Annexure R-1.**
5. It is pertinent to note that the Hon'ble High Court stayed the eviction proceedings 20.11.2019, and the said stay was extended from time to time, the last such order being 03.03.2020. True Copy of orders passed in W.P. No. 50953/2019 from 20.11.2019 till 03.03.2020 is annexed herewith as **Annexure R-2 (Colly).**



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6. It is also pertinent to note that the evictions were being carried out by the Karnataka Slum Development Board, against whom the said writ was filed.
7. After the order dated 13.03.2020 came to be passed, the matter was only listed in January 2021, owing to Covid-19 and the resultant lockdown. Hence, it is pertinent to note that the stay order operated from November 2019 till January 2021. Even otherwise, owing to the impediments caused by the Covid-19 pandemic and the resultant lockdowns, there were major logistical, financial as well as personnel difficulties for the majority of 2020 and 2021. The Writ Petition is still pending adjudication.
8. **Diversion Channel:** A diversion channel has been constructed to prevent the contamination of the lake with grey or polluted water.
9. **Silt Removal:** The process of removing silt from the lake bed has been initiated, and the removed silt is being transported to abundant quarry and identified low-laying area. At Bellandur Lake, approximately 19 lakh cubic meters of silt have been removed, which accounts for 65% of the total estimated silt.
10. **Wetland Formation:** Wetland formation work has been undertaken in the said lake as per the design and advice of Prof. Mr. T.V Ramachandra from IISC, former member

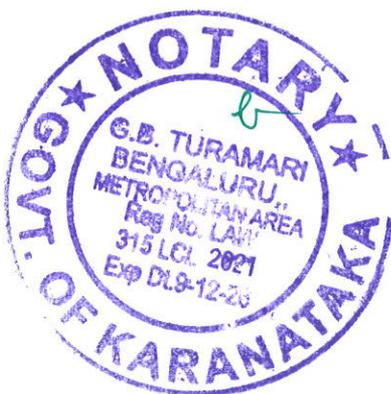


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of the lake monitoring committee constituted by this Hon'ble Tribunal.

11. **Progress Update:** As of now, wetland formation work is under progress and it is expected to be completed within the next four months.
12. **Challenges at Bellandur Lake:** Despite significant efforts, the work of silt removal at Bellandur Lake is getting interrupted with challenges due to public agitation regarding the movement of trucks through sub-urban areas which are densely. Additionally, the removal of water from deepest portion of the lake, totalling approximately 10.92 lakh cubic meters, poses a practical and logistical challenge. However, 65% of the silt has been removed, except for a 180-acre portion of the lake bed out of the total 916 acres. Wetland formation work is also underway at Bellandur Lake. Efforts will be made to complete all pending works before the upcoming monsoon season, except for the portion of water stored in the tank.
13. True copy of photographs pertaining to rejuvenation and rehabilitation works being carried out at Bellandur Lake is annexed herewith as **Annexure R-3**.
14. Hence in light of the above, it is reiterated that the works being carried out at Bellandur lake are rejuvenation and



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rehabilitation works, and not 'construction' as alleged by the Applicant.

15. In light of the same, it is humbly prayed that the instant OA may be dismissed with costs.

16. That I have gone through the instant Affidavit, drafted on my instructions. I say that the contents thereof are true and correct to the best of my knowledge and belief, and nothing material has been concealed thereof. Annexures are true copies of their respective originals.

*[Handwritten Signature]*  
**DEPONENT**  
Commissioner

**VERIFICATION:**

I, the above named deponent do hereby verify that the contents of my affidavit are true and correct to the best of my knowledge and belief, no part of which is false and nothing material has been concealed therefrom.

Verified at Bengaluru on this 20<sup>th</sup> day of March, 2024

*[Handwritten Signature]*  
**DEPONENT**  
Commissioner



*[Handwritten Signature]*

**SWORN TO BEFORE ME**  
*[Handwritten Signature]* 20-3-24  
**G.B. TURAMARI**  
ADVOCATE & NOTARY  
# 48/1, Behind Bianny Mill  
st Main Road, Ganganagar Extn  
BENGALURU 560 032

**Annexure R-1**

(7)

**BEFORE THE HON'BLE HIGH COURT OF KARNATAKA AT  
BANGALORE****(ORIGINAL JURISDICTION)****W.P. No. 50953 /2019 (PIL)****Between:**

Belur Dr. B.R. Ambedkar Nagara Nivasigala Kshemabhirudhi Sangha  
 Belur Ambedkarnagar, NAL Wind Tunnel Road,  
 Yamalur Post,  
 Bengaluru – 560 037  
 Represented by its President Shri Keshava

... Petitioner

**And:**

1. State of Karnataka  
 Represented by the Principal Secretary  
 Department of Housing  
 Vikasa Soudha,  
 Dr. B.R. Ambedkar Veedhi  
 Bangalore – 560001.
2. Karnataka Slum Development Board,  
 No. 2, Sub-Division,  
 No. 55, Risaldar Road,  
 Seshadripuram,  
 Bengaluru – 560 020
3. Commissioner of Police,  
 Bengaluru, Infantry Road,  
 Bengaluru – 560 001

... Respondents

**MEMORANDUM OF WRIT PETITION UNDER ARTICLE 226 OF THE  
CONSTITUTION OF INDIA**

The Petitioner humbly submits as follows:

1. The address of the Petitioner for the service of notices, summons, etc. from this Hon'ble Court is as stated in the cause-title and they



may also be served through their Counsels, Maitreyi Krishnan, Raghupathi S., Avani Chokshi, Lekha K.G. and Clifton D' Rozario, having their offices at "Manthan Law" at No. 18, Bharat Bhavan, No. -35, Infantry Road, Bengaluru - 560001. The address of the respondents for the same purpose is as stated in the cause- title.

2. The instant Writ Petition is being filed in the nature of a Public Interest Litigation in regard to the evictions being carried out of the residents of Belur Ambedkarnagar, in the middle of Bengaluru city, in an inhumane and illegal manner, without any due process, resulting in the violation of their fundamental right to life and shelter. The Petitioner is bringing this matter to this Hon'ble Court since the residents are not in any position to protect their interests and rights due to social and economic reasons and there is a grave urgency.
3. The Petitioner is an association of the residents of Belur Ambedkarnagar and has been formed to ensure the provision of basic amenities to the residents and to take steps towards upholding their fundamental rights. The residents are themselves extremely poor and due to their socio-economic conditions are unable to individually be Petitioners before this Hon'ble Court, and hence this Petition is being filed in public interest on the behalf of all the residents.
4. It is submitted that the residents of Belur Ambedkarnagar located on Sy No. 12 over an extent of 4 acres 37 guntas have all been residing therein for over 40-50 years and belong to the economically and socially weaker sections of society earning their livelihood through as daily wage workers including as domestic workers, construction workers, auto drivers, etc. Several of the families residing herein are the second generation of those residing here, and the children are almost entirely third generation. Most of the Petitioners belong to the Scheduled Caste community and are extremely poor eking their livelihood in the most difficult circumstances and have no other house. There were originally 237 houses built by the residents on the land in question with a population of 1500 person with over 100 children who are school going between the age of 3 to 9 years. There are about 50 adolescents studying in various colleges. The area also consists of an anganawadi school. The residents have

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themselves constructed their houses and made the place habitable. Electricity is supplied to all the houses constructed. The said land also consists of well-laid roads and drainages. Photographs of the house is placed herewith and marked as **Annexure – A**.

5. It is submitted that the said area has been declared as a slum under Section 3 of the Karnataka Slum Areas (Improvement and Clearance) Act, 1973 (hereinafter referred to as the Karnataka Slum Act, 1973). The notification dated 20.01.2009 declaring Sy No. 12 as a slum under the Karnataka Slum Act, 1973 is placed herewith and marked as **Annexure – B**. It appears that there has been some confusion in respect of the survey number that has been declared as a slum and a subsequent notification dated 22.09.2015 has been issued declaring Sy No. 58/1, 58/2, 58/4, 58/5 and 58/6 under the Karnataka Slum Clearance Act, 1973. The Notification dated 22.09.2015 is placed herewith and marked as **Annexure – C**.
6. It is submitted that in 1993, the residents were informed that the said land has been acquired by the Hindustan Aeronautics Limited (HAL) for the extension of the runway of HAL vide declaration dated 27.09.1942 published in the Mysore Gazette dated 08.05.1943 and that they should relocate from the said area. The award under Section 11 of the Land Acquisition Act in respect of Sy No. 58/3, 58/4 and 62 is placed herewith and marked as **Annexure – D**. The Estate Officer of the HAL informed the residents that the said land on which they were staying belonged to them and initiated proceedings against them. The proceeding sheets dated 01.03.1993, 30.12.1993 and 23.03.1998 are placed herewith and marked as **Annexure – E, Annexure - F and Annexure – G**. Meanwhile a survey was also conducted by the then Mahadevpura City Municipal Council of all the families who were residing therein. The Commissioner, Mahadevpura City Municipal Council sent a communication dated 24.02.1999 to the Deputy Commissioner stating that have conducted a survey of each house and have identified all the residents residing therein. The communication dated 24.02.1999 issued by the Commissioner, Mahadevpura City Municipal Council to the Deputy Commissioner is placed herewith and marked as **Annexure – H**. It is submitted that even thereafter the residents

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continued to reside there without further disturbance from HAL. Subsequently when HAL tried to construct a compound wall, the Tahasiladar, Bengaluru East Taluk issued letter dated 27.07.2005 to the Police Inspector, Airport Police Station stating that HAL should not be permitted to continue any construction till the survey being conducted by them, and the said communication is placed herewith as **Annexure – J**.

7. It is submitted that in 2008, the Karnataka Slum Development Board began a process to declare the area a slum under the Karnataka Slum Areas (Improvements and Clearance) Act, 1973. On 09.04.2008, the Assistant Executive Engineer, Karnataka Slum Development Board issued communication to the Joint Commissioner, Mahadevpura stating that an inspection had been conducted of the area which had the characteristics of a slum and sought for further information towards the declaration of the area as a slum. The communication dated 09.04.2008 issued by the Assistant Executive Engineer, Karnataka Slum Development Board to the Joint Commissioner, Mahadevpura is placed herewith as **Annexure – K**. Thereafter, as stated above a notification declaring the area as a slum under Section 3 of the Karnataka Slum Area (Improvement and Clearance) Act, 1973 was issued on 20.01.2009. The residents continued to reside therein and basic amenities also came to be provided to them.
8. It is pertinent to point out that in 2014, when HAL stated taking steps to build a compound wall/fence, the Assistant Executive Engineer of the Karnataka Slum Development Board issued letter dated 24.06.2014 to the Estate Officer, HAL wherein the Board has stated that the slum area is located in Sy No. 12 of Beluru and has sought that any such work be immediately stopped. The communication dated 24.06.2014 from the Karnataka Slum Development Board to the HAL is placed herewith and marked as **Annexure – L**.
9. It is submitted that in this manner the residents continued to reside therein without further disturbance of their possession.
10. It is submitted that in October, 2018, the 2<sup>nd</sup> respondent Board suddenly began threatening eviction of the residents. It is submitted

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that on 01.11.2018, the residents of the area were apprehensive that the 2<sup>nd</sup> respondent was taking steps to evict them from their homes without any cause. Some of the residents approached the City Civil and Sessions Judge, Bengaluru in O.S. No. 26426/2018 seeking for an order of permanent injunction restraining the Karnataka Slum Development Board from interfering with the peaceful possession and enjoyment of the residents therein. The XXVI Addl. City Civil and Sessions Judge at Mayo Hall, Bengaluru (CCH-20) passed order dated 11.07.2019 holding that the civil court had no jurisdiction to try the suit and disposing the suit. The Civil Court however held that the Karnataka Slum Development Board shall not dispossess the residents from the property without due process of law. The order of the XXVI Addl. City Civil and Sessions Judge at Mayo Hall, Bengaluru (CCH-20) dated 11.07.2019 in O.S. No. 26426/2018 is placed herewith and marked as **Annexure – M**.

11. It is submitted that the 2<sup>nd</sup> respondent is claiming that the residents would be allotted houses in an quarters built by it in Sy. No. 33, Marathahalli. The residents through their organization, the Petitioner, herein has repeatedly pleaded the numerous difficulties that would be suffered by them if they were forced to shift. The Petitioner submits that the children from the slum are studying in schools that are within a distance of 2 kms. The residents are all primarily working as domestic workers in the neighbouring houses, and as housekeeping workers in HAL, NAL and other neighbouring institutes. The anganwadi which is located within the area presently houses 36 children in the age group of 0-3 years and 25 children in the age group of 3-6 years. Some of the residents of the area also rear goats and are completely dependent on the same for their livelihood.
12. The place for the proposed relocation of the residents is about 12 kms from the present place of residence. The same is not well-connected and has no bus connectivity and the nearest bus stand is about 5 kms from the said place. The same is also unfit for human habitation and there is no provision of basic amenities. The construction as seen by the Petitioner is sub-standard and there is no water and electricity connection. The construction which was

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done in the year 2009 and the safety of the same is highly questionable. The same was not supervised by the public works development.

13. It is submitted that on 17.07.2019, the 2<sup>nd</sup> respondent slum board stuck on the walls in the area, a notice dated 17.07.2019 stating that the Karnataka Slum Development Board has constructed houses in Sy No. 33, Marathahalli and called upon the residents of Belur Ambedkarnagar to submit their aadhar cards and other documents for verification on 25.07.2019. The notice dated 17.07.2019 is placed herewith and marked as **Annexure – N**. Thereafter another notice dated 25.07.2019 was put up outside the anganwadi stating that since the residents have not participated on 25.07.2019, they were once against sought to bring their documents for verification on 31.07.2019. The notice dated 25.07.2019 is placed herewith and marked as **Annexure – P**. In reply to the notice dated 25.07.2019, the Petitioner organization submitted a reply bringing to the attention of the 2<sup>nd</sup> respondent slum board that requiring the residents to shift from their homes would be a violation of their fundamental rights and also pointing out to the slum board that the houses that were constructed in Marathahalli is unfit for human habitation. The letter dated 26.07.2019 submitted to the Assistant Executive Engineer and the letter dated 29.07.2019 submitted to the Commissioner, Slum Board are placed herewith and marked as **Annexure – Q and Annexure - R**.
14. Thereafter, around 75 residents were issued a communication dated 18.09.2019 stating that they will be required to relocate to the quarters constructed by the Karnataka Slum Development Board in Sy No. 33 in Marathahalli and has sought that original documents be furnished to the Board. One such communication dated 18.09.2019 issued by the Slum Development Board to the residents is placed herewith and marked as **Annexure – S**.
15. Thereafter, on 02.11.2019, the Karnataka Slum Development Board put up another notice dated 31.10.2019 at the anganwadi in the area stating that as per the order of the National Green Tribunal in Application No. 125/2017 dated 21.10.2019 they had been directed to remove encroachments in lake-bed by 10.11.2019 and to file a

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report, hence it has been decided to remove the residents of Belur Ambedkarnagar, and has sought that they remove themselves and relocate to the quarters constructed in Marathahalli. The notice dated 31.10.2019 put up by the 2<sup>nd</sup> respondent slum board on 02.11.2019 is placed herewith and marked as **Annexure – T**. The Petitioner submitted reply dated 05.11.2019 to the 2<sup>nd</sup> respondent Slum Board and the Deputy Commissioner bringing to their attention that the order of the NGT was not in relation to the land on which the Belur Ambedkar Nagara was located. The reply submitted by the Petitioner to the Karnataka Slum Development Board, the Deputy Commissioner and the Commissioner of Police are placed herewith and marked as **Annexure – U** and **Annexure – V** and **Annexure – W**. The Commissioner of Police has forwarded the said letter to the Deputy Commissioner of Police, Whitefield vide letter dated 07.11.2019 which is placed herewith and marked as **Annexure – X**. The order of the National Green Tribunal dated 21.10.2019 in Application No. 125/2017 is placed herewith and marked as **Annexure – Y**.

16. It is submitted that thereafter, when things stood thus, suddenly on 08.11.2019, around 6 am in the morning, without any prior notice officials of the Karnataka Slum Development Board came along with about 150 police personnel including the jurisdictional police and the reserve police, JCB and tractors. They announced that they were going to begin demolishing their homes and told all the persons to leave their homes. The residents all pleaded with them not to force them in this manner, and at the very least to give them time till the next academic year. However, they refused to listen to them and told the residents that if they did not shift themselves they would demolish the homes themselves. They thereafter demolished one of the houses with all the things inside it and destroyed the entire homes. The residents sought for the order copy on the basis of which such demolition was taking place, however, the police officials and the officials of the 2<sup>nd</sup> respondent told them that they had no right to receive any order copy and had no right to stay there. Thereafter repeatedly pleading with them, they finally agreed that they would call for a meeting with them and discuss the issues faced

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by the residents before taking any steps. Photographs showing the police, officials and JCB having come to demolish the said area is placed herewith and marked as **Annexure – Z**. Around 100 of the total 237 families who were residing therein were put into extreme fear and having seen the homes of their neighbours getting demolished with all their belongings believed that they would also lose all that they owned. Due to such extreme fear, about 100 families shifted to the houses constructed at Marathahalli. Thereafter, the residents who remained in their homes were informed that they would be given some time to shift and would be called for a meeting with them. The residents also approached the Assistant Commissioner of Police, Marathahalli vide letter dated 11.11.2019, which is placed herewith and marked as **Annexure – AA**.

17. However, suddenly on 16.11.2019, around 7.00 a.m. in the morning around 100 police officials, officials of the Karnataka Slum Development Board and the Tahasildar came to the area and informed the residents that they would demolish the homes of only those who had already shifted. However, the respondents without any reason whatsoever demolished the homes of not only those who had already shifted but demolished some of the homes of the others as well. When the residents came forward to ask the police to stop such demolition they physically assaulted the residents including one woman. They then informed them that all the residents residing therein would have to shift in two hours failing which they would completely destroy every single home with the belonging. The residents begged and pleaded with the officials who finally said that they would return within a period of five days and would demolish all the homes. It is necessary to submit that despite repeated requests to the officials to provide a copy of the order ordering demolition, they refused to do so and in fact informed them that there was no need or necessity to give any order to them. Photographs of the demolition that took place on 16.11.2019 is placed herewith as **Annexure – AB**. The residents submitted a memorandum to the Tahsildar on the same day. The memorandum submitted by the residents and a photo of them submitting the memorandum is placed

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herewith as **Annexure – AC** and **Annexure - AD**. The officials have now informed them that they would come on 14.11.2019 and demolish all the houses.

18. It is submitted that, to the best of the knowledge of the residents, the Belur Ambedkarnagar does not fall in the Bellandur Lake. A google map showing Belur Ambedkarnagar, the Bellandur Lake and the other building situated in the locality is placed herewith and marked as **Annexure – AE**.
19. It is also necessary to point out that there are several apartments and Housing complexes including gated communities situated, which are indeed on lake land, in respect of which no steps whatsoever have been taken. Photographs of the apartments, housing complexes near the Bellandur Lake are placed herewith as **Annexure – AF**. The Petitioner has also become aware that the BBMP is constructing a road adjoining the raja kaluwe that is going towards Bellandur Lake. Photographs showing the construction of the road are placed herewith and marked as **Annexure – AG**.
20. It is submitted as of today there are 120 families residing in the said area who remain under constant threat of eviction. The respondents have informed them that they will be evicted on 21.11.2019. The details of the head of the family who are presently residing in the area is placed herewith as **Annexure – AH**.
21. That the resettlement of the residents who have been issued intimation letters is proposed at Marathahalli, which is uninhabitable having insufficient tenements with no proper civic amenities including water, electricity, toilets, etc., having been provided. The Petitioner members who have visited the said tenements during the last week have found that it is low-quality shoddy construction and unsafe. Photographs of the quarters constructed in Marathahalli is placed herewith and marked as **Annexure – AJ**.
22. It is submitted that the arbitrary and rushed manner in which the respondents are acting leave the Petitioners with no option but to approach this Hon'ble Court. The Petitioner is approaching this Hon'ble Court to protect the interest of the residents who are having their homes demolished and are being evicted for the sole reason that they are socially and economically vulnerable. The residents are

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being evicted in an arbitrary manner without being afforded any opportunity whatsoever. Such action would render the residents homeless and destroy their lives and that of their children.

23. The Petitioner has not filed any other petition or initiated any other legal proceedings challenging these impugned orders. Hence this Writ Petition on the following amongst other grounds.

#### GROUND

24. The actions of the respondent violates the fundamental right to life under Article 21 of the Constitution of India of the Petitioners and other resident's of the Schedule Property. The right to shelter is a fundamental right available to every citizen and is a crucial component of Article 21 of the Constitution of India. Further this is violative of Articles 38, 39(a), 39(f), 45, 46 and 47 of the Constitution.
25. That any action of the respondents to demolish the homes of the Petitioner would render hundreds of children shelterless and would be violative of the obligations of the respondent under the Convention of the Rights of the Child to which India is a signatory and would result in a denial of their fundamental right to education. The eviction of the Petitioners would result in their becoming homeless, in total contravention of the right to shelter under Article 21 of the Constitution of India. Further, the eviction of senior citizens would be violative of section 22 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, which mandates that the government must protect the life and property of senior citizens.
26. That the Petitioners are bona fide and lawful owners of their respective house properties which has also been declared as aslum under the Karnataka Slum Areas (Improvement and Clearance) Act, 1973. Basic amenities have been provided including an anganwadi for the residents of the slum. In these circumstances the actions of the respondents in summarily evicting the residents is blatantly illegal and violative of their fundamental rights.
27. It is further submitted that the residents are also in settled possession of their homes and the law has been clearly laid down that they cannot be summarily evicted in an arbitrary manner, and if

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at all necessary proceedings are required to be carried out, the same can only be under the order of a competent court.

28. The principles of natural justice are implicit in these provisions and, even otherwise, no actions having civil consequences can be visited on the residents without proving them with proper opportunity and without resorting to a fair procedure.
29. The actions of the 2<sup>nd</sup> respondent in providing rehabilitation in a place 12 kms away from the present place of occupation of the Petitioners is in contravention of the guidelines for Jawaharlal Nehru Urban Renewal Mission – Basic Services for Urban Poor (JNNURM-BSUP) which mandates that "*care will be taken to see that the urban poor are provided housing near their place of occupation.*" It is submitted that the residents are entitled to *in situ* rehabilitation.
30. The actions of the 2<sup>nd</sup> respondent in unilaterally and arbitrarily attempting to evict the Petitioners and other residents is against the premise of the BSUP, under which Community Voice and Consensual Decision - making are key elements.
31. That the issuance of intimation letters and the proposed eviction is not being carried out as per the provisions of the Karnataka Slum Areas (Improvement and Clearance) Act, 1973. The said statute provides a comprehensive scheme for the declaration, provision of civic amenities, eviction and rehabilitation of slums.
32. That the eviction is proposed to be carried out in the middle of the academic year of educational institutions which will detrimentally impact the fundamental right to education of the children of the Petitioners, who would find it impossible to search for and get admissions in educational institutions near Marathahalli
33. The residents have a right to housing which is an enforceable right which flows from the Universal Declaration Of Human Rights which now is accepted as *jus cogens* and so is enforceable. The petitioner's right to shelter has also been guaranteed under various International Conventions and Covenants.
34. That the forced eviction are in violation of the National Resettlement and Rehabilitation Policy, 2007, which, *inter alia*, protects the interests of families displaced due to land acquisition or involuntary

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displacement for any other reason, and mandates that such families cannot be displaced without having been rehabilitated.

35. The residents are poor daily wage workers and due to the arbitrary actions of the respondents of evicting them and taking them to a place far away, face a threat of losing their fundamental right to life, housing and livelihood. The Hon'ble Courts have held that an equally important facet of that right is the right to livelihood because, no person can live without the means of living, that is, the means of livelihood and any person who is deprived of his right to livelihood except according to just and fair procedure established by law, can challenge the deprivation as offending the right to life conferred by Article 21.
36. That the residents earn their living from working near to their slum and eviction from the slum would result in the loss of their livelihood with the slender possibility of finding employment, either immediately or later, as such the eviction of the Petitioners would lead to deprivation of their livelihood and consequently to the deprivation of life. The Hon'ble Supreme Court has held that action taken by a public authority which is invested with statutory powers has, therefore, to be tested by the application of two standards: The action must be within the scope of the authority conferred by law and secondly, it must be reasonable. In the present case the actions of the respondents fail both standards.
37. That it is legally imperative for the respondents to, at the bare minimum, comply with the basic principles of natural justice and seek an explanation from the Petitioners before bringing the grave action of eviction against them. It is established law that the principles of natural justice and the duty to act fairly applies to statutory authorities and that the persons affected must be informed of the case against them and a fair opportunity of meeting it must be given to them. Instead the respondents are attempting to evict the residents without affording them any opportunity whatsoever.
38. That the eviction not only means the removal of the residents from their houses but the destruction of their house itself and the destruction of a dwelling house is the end of all that one holds dear in life. As the Hon'ble Supreme Court has held, humbler the dwelling,

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greater the suffering and more intense the sense of loss. Hence, in regard to slum dwellers such as the Petitioners, the Hon'ble Supreme Court has held that it is legally imperative that principles of natural justice have to be complied with in regard to their and an opportunity has to be afforded to them to show why the tenements should not be removed. The failure of the respondents to afford this opportunity to the residents vitiates the issuance of the impugned intimation letters and the proposed eviction.

39. That the residents are being denied their fundamental rights without any due process of law and hence the actions of the respondents are illegal, unsustainable and untenable.
40. That the right to shelter is an inseparable component for meaningful right to life under Article 21 and Article 19(1)(e) and that the right to shelter does not mean a mere right to a roof over one's head but right to all the infrastructure necessary to enable individual to live and develop as a human being. The residents are completely at the mercy of these respondents who may attempt to evict the Petitioners without due process. The entire process from the identification of so-called encroachers to the proposed eviction is being carried out in an arbitrary fashion and without following any due process of law, and if permitted to continue with result in the blatant violation of the constitutional and statutory rights of the residents.
41. That the threatened actions of the respondents would result in the deprivation of a bundle of rights of each member of the Petitioners households - the right to livelihood, to shelter, to health, to education, to access to civic amenities and public transport and above all, the right to live with dignity, and the same is blatantly unconstitutional.
42. It is submitted that without prejudice to the above contention that the Petitioners are in authorized occupation of land, the Hon'ble Supreme Court has clearly laid down that regularization should be permitted in cases where lease has been granted under some Government notification to landless labourers or members of Scheduled Castes, especially where public amenities have been furnished.

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43. That the locality of the Petitioners, is surrounded by other private properties and houses, who have not been served with any notices or threats of eviction. That the actions of the respondent is marked by clear arbitrariness in as much as the Petitioners are alone being targeted where similarly placed structures, apartments, villas and housing complexes face no threat of eviction whatsoever and it is only the Petitioners who are being targeted as they are poor and vulnerable. Every action of the respondents is to be tested on the touchstone of Article 14 of the Constitution of India and every executive action of these authorities has to be just, fair, reasonable and non-arbitrary, which is not the case in this matter.
44. That the Petitioner is before this Hon'ble Court pleading for the residents to be spared this misery of eviction and dislocation, which will be debilitating and violate their fundamental rights.
45. That viewed from any angle the actions of the respondents are illegal, arbitrary, void and *non est* and violate the fundamental right to life, shelter and livelihood of the Petitioners and their families.

#### **GROUND FOR INTERIM PRAYER**

That majority of the residents belong to the Scheduled caste Community and are from the economically sections of society, and are bona fide residents of the Ambedkarnagar. They have built their homes and have been provided some basic facilities. The said area has also been declared as a slum under section 3 of the Karnataka Slum Areas (Improvement and Clearance) Act, 1973, pursuant to which they have given all civic amenities. The respondents on 08.11.2019 and 16.11.2019 conducted forcible demolitions of the area in question and have once again stated that they would come back to demolish the entire place on 21.11.2019. Not written notice or order whatsoever has been given to the residents of the same. The actions of the respondents would be in grave violation of the fundamental rights of the Petitioners protected under Articles 14 and 21 of the Constitution of India, and would result in the residents being rendered homeless and would throw their entire family to the streets. It is submitted that the granting of the interim relief would not be prejudicial to the respondents while not granting it would cause irreparable loss to the Petitioners and their families and render them

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homeless. The homes of the residents are not located on the lake land and the same has been raised for the first time only in the notice put up on 02.11.2019. Subsequent thereto, the Petitioner has submitted their reply to the same, however, without any consideration of the same whatsoever, steps towards their eviction has been taken on 08.11.2019 and again on 16.11.2019.

Importantly the eviction is proposed to be carried out in the middle of the academic year of educational institutions which will detrimentally impact the fundamental right to education of the children of the residents

The residents are poor daily wage workers and due to the arbitrary actions of the respondents of evicting them and taking them to a place far away, face a threat of losing their fundamental right to life, housing and livelihood.

The actions of the respondents are in grave violation of the fundamental rights of the Petitioners protected under Articles 14 and 21 of the Constitution of India.. It is submitted that the granting of the interim relief would not be prejudicial to the respondents while not granting it would cause irreparable loss to the Petitioners and their families.

### **PRAYER**

Wherefore, the Petitioner prays that this Hon'ble Court may be pleased to:

1. Issue an appropriate Writ, order or direction, restraining the respondents from interfering with the peaceful possession of the residents of Belur Ambedkarnagar, NAL Wind Tunnel Road, Yamalur Post, Bengaluru - 560037 and/or demolishing their tenements therein.
2. Issue a writ of mandamus or any other appropriate Writ, order or direction, directing the 1<sup>st</sup> and 2<sup>nd</sup> respondents to provide *in situ* housing to the residents of Belur Ambedkarnagar, NAL Wind Tunnel Road, Yamalur Post, Bengaluru - 560037 in consultation with the residents and with their prior consent.
3. Issue an appropriate Writ, order or direction, directing the respondents not to cause any forced eviction of the residents affecting the fundamental right to education of the children.

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4. Issue an appropriate Writ, order or direction, directing the respondents not to cause any forced eviction of the residents affecting their fundamental right to livelihood.
5. Grant such or other reliefs as this Hon'ble Court deems fit in the facts and circumstances of the above case as also compensation for their losses and costs in the above in the interests of justice and equity.

### **INTERIM PRAYER**

Pending disposal of this case, the Hon'ble Court may be pleased to restrain the respondents from evicting the Petitioners and/or demolishing their tenements in Belur Ambedkarnagar, NAL Wind Tunnel Road, Yamalur Post, Bengaluru – 560037.

Place: Bengaluru

Date:

Advocate for the Petitioner  
(Maitreyi Krishnan)

#### **Address for Service:**

"Manthan Law",

Maitreyi Krishnan, Raghupathi S., Clifton D' Rozario and Avani Chokshi

No. 18, Bharat Bhavan,

No. 35, Infantry Road,

Bengaluru – 560 001

Ph: 9243190014; 9448135832

**Annexure R-2 (Colly)****IN THE HIGH COURT OF KARNATAKA AT BENGALURU****W.P. (C) NO. 50953/2019****IN THE MATTER OF:**

Belur Dr. B.R. Ambedkar Nagara Nivasigala Kshemabhirudhi Sangha

...PETITIONERS

Versus

1. State of Karnataka
2. Karnataka Slum Development Board
3. Commissioner of Police

...RESPONDENTS

**ABHAY SHREENIWAS OKA (CJ) AND PRADEEP SINGH YERUR****20.11.2019****ORDER**

Heard the learned counsel for the petitioner.

Issue notice to the respondents returnable on 9th December, 2019. The learned AGA takes notice for the first and third respondents.

There will be an order of interim relief as prayed for till the next date.

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU****W.P. (C) NO. 50953/2019****IN THE MATTER OF:**

Belur Dr. B.R. Ambedkar Nagara Nivasigala Kshemabhirudhi Sangha

...PETITIONERS

Versus

1. State of Karnataka
2. Karnataka Slum Development Board
3. Commissioner of Police

...RESPONDENTS

**ABHAY SHREENIWAS OKA (CJ) AND PRADEEP SINGH YERUR****16.12.2019****ORDER**

The learned counsel appearing for the second respondent seeks time to file objections.

Objections shall be filed within two weeks.

Let the petition be listed for preliminary hearing on 6th January 2020.

Interim relief granted earlier is extended till then.

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU****W.P. (C) NO. 50953/2019****IN THE MATTER OF:**

Belur Dr. B.R. Ambedkar Nagara Nivasigala Kshemabhirudhi Sangha

...PETITIONERS

Versus

1. State of Karnataka
2. Karnataka Slum Development Board
3. Commissioner of Police

...RESPONDENTS

**ABHAY SHREENIWAS OKA (CJ) AND HEMANT CHANDANGOUDAR****06.01.2020****ORDER**

The learned Advocate for the second respondent is not present. The objections are not filed. Only by way of last chance, we grant time to file objections by 24th January, 2020. No further time will be granted.

Let the petition be listed on 25th January, 2020.

The interim order granted earlier is extended until further orders.

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU****W.P. (C) NO. 50953/2019****IN THE MATTER OF:**

Belur Dr. B.R. Ambedkar Nagara Nivasigala Kshemabhirudhi Sangha

...PETITIONERS

Versus

1. State of Karnataka
2. Karnataka Slum Development Board
3. Commissioner of Police

...RESPONDENTS

**ABHAY SHREENIWAS OKA (CJ) AND HEMANT CHANDANGOUDAR****24.01.2020****ORDER**

The learned counsel appearing for the petitioner seeks time to file rejoinder to the objections filed by the second respondent.

Rejoinder to be filed within three weeks.

Let the petition be listed on 5th March 2020 for preliminary hearing.

Interim order to continue.

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU****W.P. (C) NO. 50953/2019****IN THE MATTER OF:**

Belur Dr. B.R. Ambedkar Nagara Nivasigala Kshemabhirudhi Sangha

...PETITIONERS

Versus

1. State of Karnataka
2. Karnataka Slum Development Board
3. Commissioner of Police

...RESPONDENTS

**ABHAY SHREENIWAS OKA (CJ) AND ASHOK KINAGI****05.03.2020****ORDER**

The application made by the Bangalore Development Authority for impleading shall be listed along with this petition.

We are informed that the learned Advocate General will appear in the matter.

Let the petition be listed on 13th March 2020.

Interim order granted earlier is extended till further orders.

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU****W.P. (C) NO. 50953/2019****IN THE MATTER OF:**

Belur Dr. B.R. Ambedkar Nagara Nivasigala Kshemabhirudhi Sangha

...PETITIONERS

Versus

1. State of Karnataka
2. Karnataka Slum Development Board
3. Commissioner of Police

...RESPONDENTS

**ABHAY SHREENIWAS OKA (CJ) AND ASHOK KINAGI****13.03.2020****ORDER**

List this petition on 8th April 2020.

Interim order to continue.

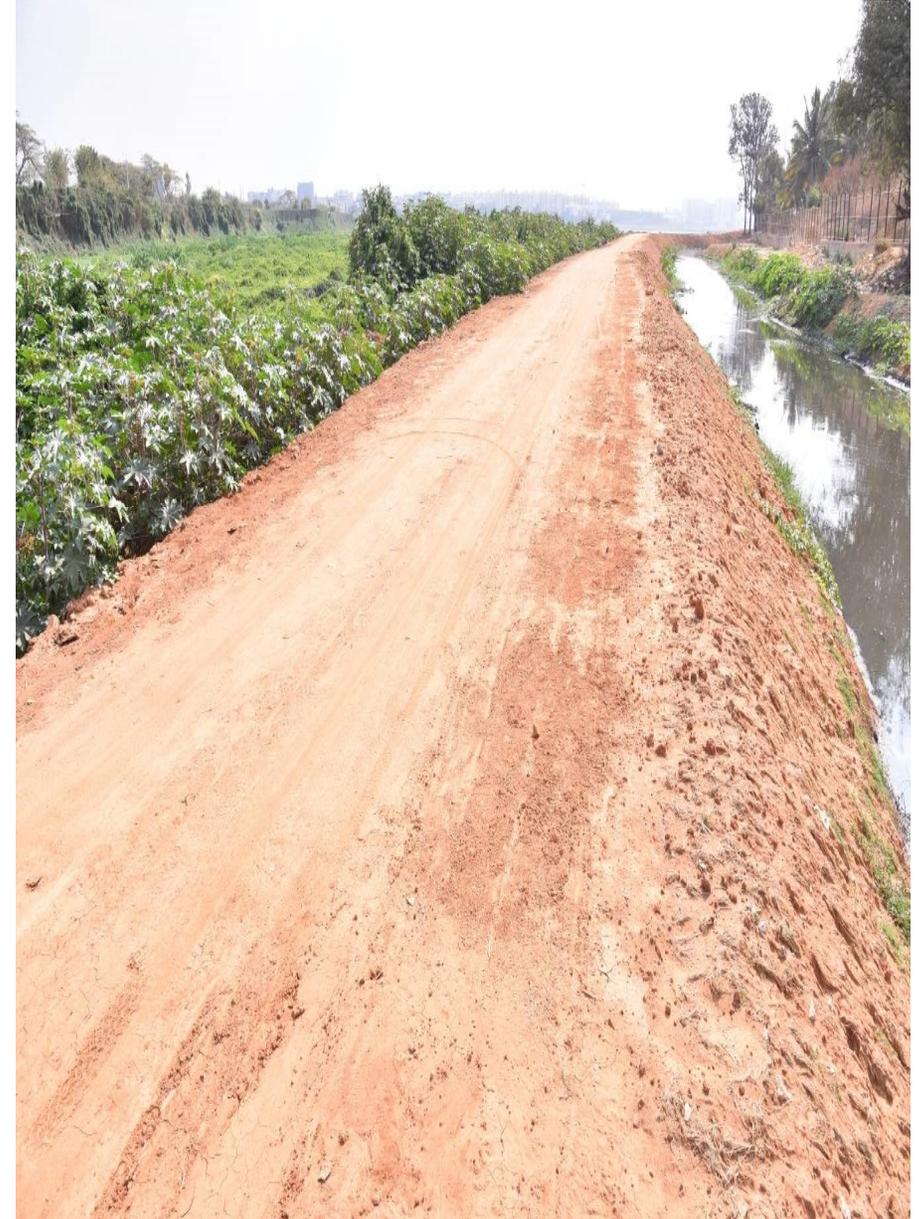
# Chain link Fencing at Bellandur Lake



# Southern Side Diversion Channel near Defence land at Bellandur Lake



# BELLANDUR LAKE NORTHERN SIDE DIVERSION CHANNEL NEAR HAL COMPOUND



# Desilting at Bellandur Lake



# Wet land Construction work near Bellandur Lake



Unnamed Road, Bengaluru, Karnataka, India

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Longitude	77.646569	77°38'47" E

2023-11-29(Wed) 03:21(PM)

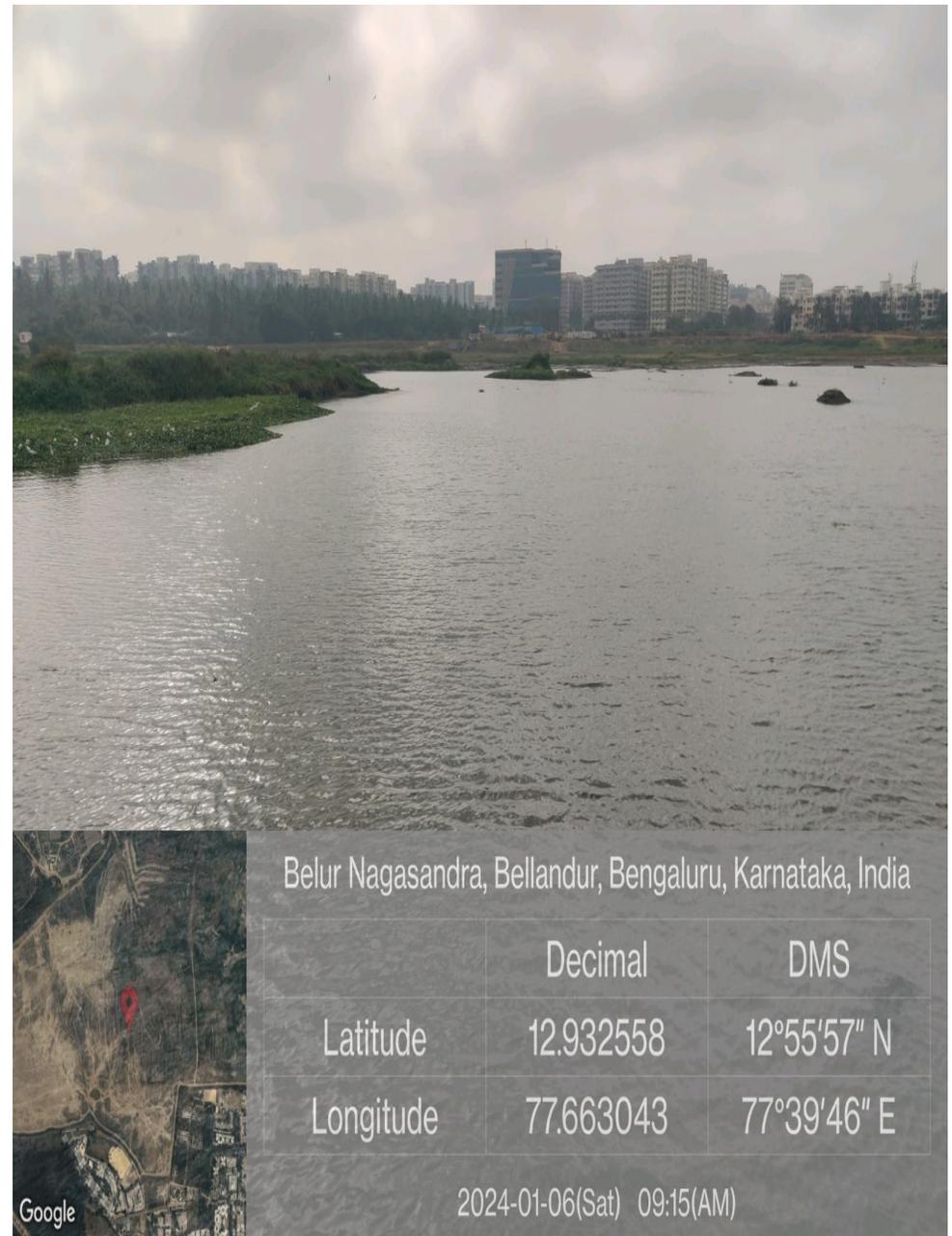
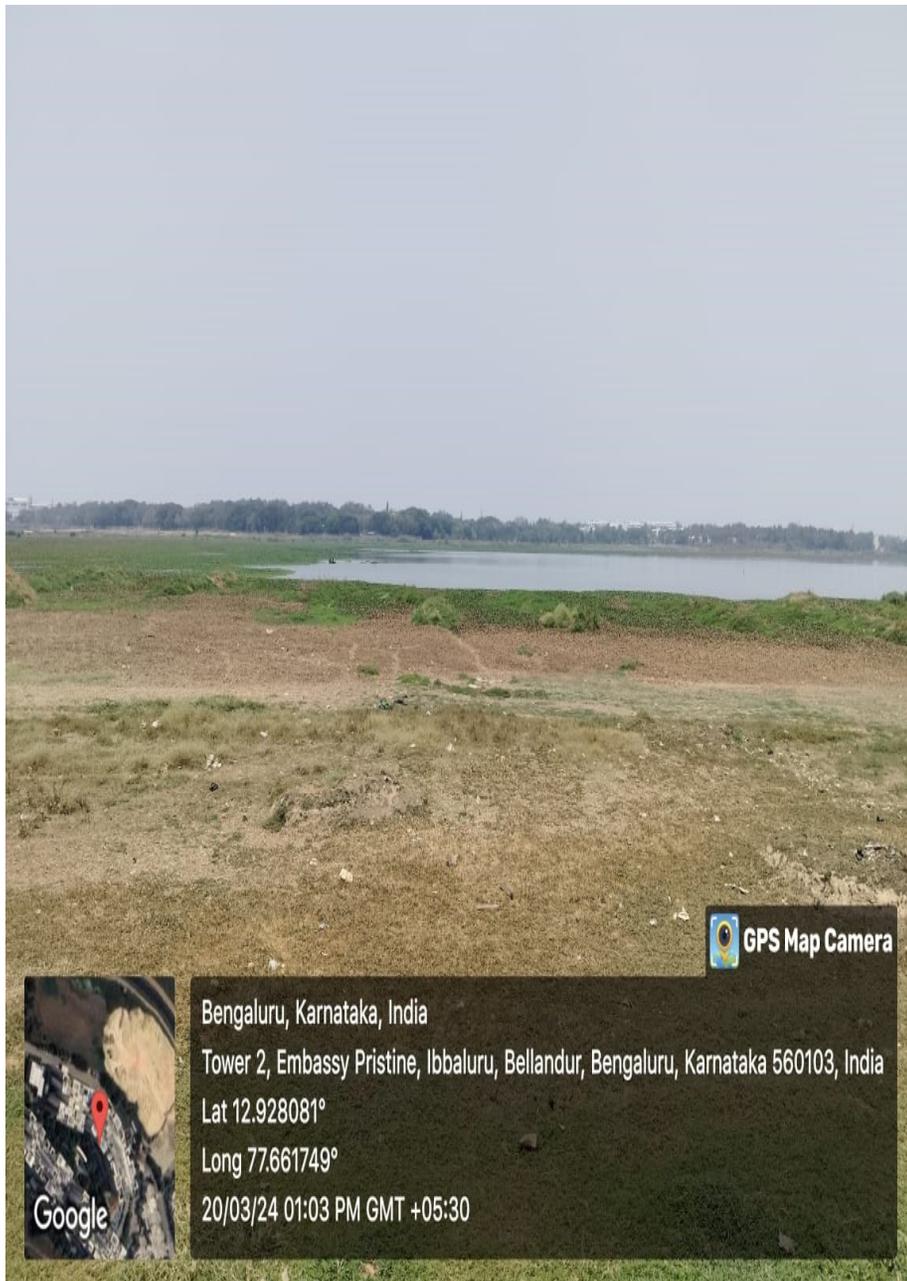


Unnamed Road, Bengaluru, Karnataka, India

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2023-11-27(Mon) 04:52(PM)

# Stored Water Photo at Bellandur Lake



# Dewatering at Bellandur Lake

