

STATUS REPORT

NGT Original Application No.41/2019

Sri. Sevamrutha Aradhya V/s. State of Karnataka

- Sri. Sevamruutha Aradhya has filed the case about the encroachment of Buffer zone of Kudlu Chikka kere coming under the limits of Ward No.191, Begur Sub division, Bommanahalli zone, Anekal Taluk, Sarjapur Hobli, Kudli village, Survey No.70, Kudlu Chikka Kere, before the National Green Tribunal.
- The National Green Tribunal has requested to give the report from the following Departments:
 - 1) Regarding directly flowing of slum water to the lake, requested to provide the details from the Bangalore Water Supply & Sewerage Board.
 - 2) Requested to give the report from the Lake Development Authority about vacating the unusable wastes materials like plastic and other waste materials in the lake
 - 3) Sought to give the report from the Karnataka Pollution Control Board about the pollution of lake water.
 - 4) The dry wastes have been dumped in the lake side, in this regard after clearing the same, ordered to give the report from the Bruhath Bangalore Mahanagara Palike.

- 5) Regarding taking the action against those who have constructed the building in violation of buffer zone surrounding the lake, ordered to give the report from Bruhath Bangalore Mahanagara Palike.
 - 6) Regarding encroachment of lake buffer zone, ordered to give the report from ASSISTANT DIRECTOR OF LAND RECORD Department. Anekal (Taluk).
- The Action Taken Report from the above various Departments has been given to Sri.Kashi Vishwanath, Advocate appointed to argue on behalf of the Palike before the National Green Tribunal directly.
 - Under NGT Original Application No.41/2019 dated 02-07-2019 of Kudlu village Survey No.70, Sarjapur Hobli, Anekal Taluk, the Kudlu Chikka Kere comes under the limits of Bruhath Bangalore Mahanagara Palike as per the order of the National Green Tribunal, and the notice have been issued on 06.12.2019 to the owners who have constructed the building unauthorizedly within 30 meter from the border limits of boundary line of the lake, as Section 2 of Karnataka Lane Conservation and Development Authority, instructing them to submit the documents.
 - For the notice dated: 06.12.2019, 37 building owners have submitted the documents. (The copy of the list of owners of the buildings is enclosed).

3

- Further as per the Order of NGT for vacating the buildings constructed in violation of buffer zone, as per the recommendation dated 10.02.2020 of the Joint Commissioner, Bommanahalli Zone, the opinion has been sought for from the Head of the Legal Cell. On 10.06.2020 the Head of the Legal Cell by giving the opinion, instructed to take action as per Section 321 of K.M.C. Act, of 1976. Later under Section 321(1) & (2) of K.M.C. Act of 1976, the provisional orders have been served to 37 building owners on 21.10.2020. And as per Section 321 (3) of K.M.C. Act of 1976, the confirmation order has been served on 01.12.2020.
- Against the Section 321 (3) of the said K.M.C. Act, 22 building owners have filed W.P. 1No.15664/2020 before the High Court of Karnataka.
- In the said case, on 30.12.2020 the High Court of Karnataka has issued the order – the Respondents are directed not to precipitate the matter till 04.01.2021 (The copy of the order of the Court is enclosed).
- As per suit No.REV/APL-671/2020 of the Karnataka Appellate Tribunal, Bangalore, Aban Essence Apartments Owners Association have brought the Stay Order on 24.12.2020 (The copy of the Order of the Court is enclosed).
- In the order dated 21.01.2021 in W.P. 15664/2020 of the High Court of Karnataka, issued the Order as follows.

Interim Order granted earlier is extended till the next date of hearing.

ನಮೂನೆ-8

ಕರ್ನಾಟಕ ಮೇಲ್ಮನವಿ ನ್ಯಾಯಾಧಿಕರಣ, ಬೆಂಗಳೂರು ಇವರ ಮುಂದೆ
 ಅಂಚೆ ಚೀಲ ಸಂ. 5313, ಬಹುಮಹಡಿ ಕಟ್ಟಡ, ಡಾ. ಅಂಬೇಡ್ಕರ್ ವೀಧಿ, 1ನೇ ಗೇಟ್, 2ನೇ ಮಹಡಿ ಬೆಂಗಳೂರು-
 560 001.

24/12/2020 Single Member ಈ ದಿನದಂದು

ಹಾಜರಿದ್ದವರು:

೧) ಶ್ರೀಮತಿ: Pushpavathi .V. Hon'ble District Judge Member

೨) ಶ್ರೀ / ಶ್ರೀಮತಿ: _____

ಸಂಖ್ಯೆ: REV.APL-671/2020

CH: Court Hall 2

NHD: 12/03/2021

- ವಿರುದ್ಧ -

ಅಪೀಲುದಾರ: Aban Essence Apartments Owners
Associationಪ್ರತಿವಾದಿ: Commissioner B.B.M.P.
& Another

Assistant Executive Engineer B.B.M.P. Begur Sub-
 Dvn No.B.B.M.P/SA.KAA.E/BE.U.V.C./C.O/02/2020-21 Dated : 01/12/2020 ರವರ ಆದೇಶವನ್ನು
 ತಳ್ಳಿ ಹಾಕಲು ಕೋರಿ ಕರ್ನಾಟಕ U/s.443[A] of Karnataka Municipal Corporation Act, 1976,
 ಪ್ರಕರಣದಲ್ಲಿ ಸದರಿ ಅರ್ಜಿಯಲ್ಲಿ ನಮೂದಿಸಲಾದ ಕಾರಣಗಳಿಗಾಗಿ ಸಲ್ಲಿಸಲಾದ ಅಪೀಲು: ಪರಿಷ್ಕರಣೆ ಅರ್ಜಿಯನ್ನು
 ಓದಲಾಗಿದೆ.

ಅರ್ಜಿಗೆ ಅನುಬಂಧಿಸಲಾದ ಅಫಿಡವಿಟ್‌ನಲ್ಲಿ ಪ್ರಮಾಣ ಪೂರ್ವಕವಾಗಿ ಹೇಳಲಾದ ಕಾರಣಗಳಿಗಾಗಿ
 ಅಪೀಲುದಾರ : ಅರ್ಜಿದಾರರ ಪರ ವಕೀಲರಾದ ಶ್ರೀ SHUKURE KAMAL MG ಇವರ ಮೂಲಕ ಹಾಜರುಪಡಿಸಿದ
 ತಡೆಅರ್ಜಿ (ಮಧ್ಯಕಾಲೀನಅರ್ಜಿ) ಯನ್ನು ಓದಲಾಗಿದೆ. ಪ್ರಸ್ತುತ ಇತ್ಯರ್ಥದಲ್ಲಿರುವ ಅಪೀಲು: ಪರಿಷ್ಕರಣೆ ಅರ್ಜಿಯ ಅವರ
 ಕಡತ ಸಂಖ್ಯೆ: .B.B.M.P/SA.KAA.E/BE.U.V.C./C.O/02/2020-21 ಮತ್ತು 01/12/2020 ದಿನಾಂಕದ ಇವರ
 ಆದೇಶವನ್ನು ಜಾರಿಗೊಳಿಸುವುದನ್ನು ನಿರ್ಬಂಧಿಸುವ ಆದೇಶವನ್ನು ನ್ಯಾಯಾಧಿಕರಣವು ಹೊರಡಿಸಿದೆ.

ಆದೇಶದ ದಿನಾಂಕ: 24/12/2020

ಅಲ್ಲದೆ, ಸದರಿ ವಿಷಯವನ್ನು ಏಕೆ ನಿರುಪಾಧಿಕವಾಗಿ ಮಾಡಬಾರದೆಂಬ ಬಗ್ಗೆ ಕಾರಣವನ್ನು ತೋರಿಸಲು ಮೇಲ್ಕಂಡ
 ಹೆಸರಿನ ಪ್ರತಿವಾದಿಗಳಿಗೆ ಈ ಅರ್ಜಿಯ ವಿಷಯದ ನೋಟೀಸನ್ನು ಸಹ ನೀಡುವಂತೆ ಆದೇಶಿಸಲಾಗಿದೆ.
 Issue ad-Interim of stay of impugned order till next date.

ಅಲ್ಲದೆ, ಮುಖ್ಯ ವಿಷಯ ನೋಟೀಸನ್ನು ಸ್ವೀಕರಿಸಲು ಮತ್ತು ಖುದ್ದಾಗಿ ಅಥವಾ ಅವರ ವಕೀಲರ ಮೂಲಕ
 ನ್ಯಾಯಾಧಿಕರಣದ ಮುಂದೆ ಹಾಜರಾಗುವಂತೆ ಆದೇಶಿಸಲಾಗಿದ್ದು ಇದಕ್ಕೆ ತಪ್ಪಿದಲ್ಲಿ, ಮುಖ್ಯ ವಿಷಯವನ್ನು
 ಏಕಪಕ್ಷೀಯವಾಗಿ ತೀರ್ಮಾನಿಸಲಾಗುವುದು. ತಡೆಯಾಜ್ಞೆಯ ಸ್ಥಿರೀಕರಣ ಮತ್ತು ಮುಖ್ಯ ವಿಷಯಕ್ಕೆ ಸಂಬಂಧಿಸಿದ
 ವಿಚಾರಣೆಗಾಗಿ 12/03/2021 ನೇ ದಿನಾಂಕದಂದು ಬೆಂಗಳೂರಿನಲ್ಲಿ ಬೆಳಿಗ್ಗೆ / ಮಧ್ಯಾಹ್ನ 11.00 A.M. ಗಂಟೆಗೆ
 ವಿಚಾರಣೆಯನ್ನು ಗೊತ್ತುಪಡಿಸಲಾಗಿದೆ.

Records pertaining to ward no-191, Singasandra, Sy no-60, Property no-47/90, Near Chikakare
 ,KodluVillage Bengaluru-5600114.

ಆದೇಶಾನುಸಾರ,

M. Ramdhar

ಸಹಾಯಕ ನಿಬಂಧಕರು,

ಕರ್ನಾಟಕ ಮೇಲ್ಮನವಿ ನ್ಯಾಯಾಧಿಕರಣ,
 ಬೆಂಗಳೂರು.

ಮೇಲಿನ ಆದೇಶದ ಪ್ರತಿಯನ್ನು ಮಾಹಿತಿಗಾಗಿ ಮತ್ತು ಅವಶ್ಯಕ ಕ್ರಮಗಳನ್ನು ತೆಗೆದುಕೊಳ್ಳುವುದಕ್ಕಾಗಿ ಈ

ಮುಂದಿನವರುಗಳಿಗೆ ಕಳುಹಿಸಲಾಗಿದೆ.

ಇವರು ತಮ್ಮ ಕಛೇರಿಯಲ್ಲಿರುವ ಸಂಬಂಧಪಟ್ಟ ದಸ್ತಾವೇಜುಗಳನ್ನು ಪ್ರತ್ಯೇಕವಾಗಿ ಕಂಡಿಕೆವಾರು ಷರಾದೊಂದಿಗೆ ಕೂಡಲೇ ಕಳುಹಿಸುವಂತೆ ಕೋರಲಾಗಿದೆ

R-1 The Commissioner BBMP, N.R. Square, Corporation Circle, Bengaluru--560002.

R-2 Assistant Executive Engineer, BBMP, Begur Sub Division, Devarachikkanahalli Main, Road, Begur, Bengaluru-- 560114

To send the original records pertaining to order no-
B.B.M.P/SA.KAA.E/BE.U.V.C./C.O/02/2020-21.dtd:-01/12/2020.

Along with para wise remarks.

R-3 Sri Srinivas Reddy S/o Late P. Narasimha Reddy

R-4 Smt Jayalakshmi .S .Reddy Sri Srinivas Reddy

R-5 Sri S. Sandeep Reddy, S/o Sri Srinivas Reddy

R-6 Ms .S.Sowmya D/o Sri Srinivas Reddy.

All are R/at # 2544-A,14th Cross,26Main Sector-I,H.S.R. Layout,Bengaluru-560102.

AE-192
20/1/2021
HLE ಸಾಕಾಫಿ

M. Nagaraj
ಪಂಚಾಯತ್ ನಿರ್ದೇಶಕರು
ಪಂಚಾಯತ್ ಮೇಲ್ವಿಚಾರಣಾ ಸ್ವಯಂಸೇವಾ ಕೇಂದ್ರ
ಬೆಂಗಳೂರು - 01
28/12

NEXT DATE OF HEARING 04-01-2021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU
 DATED THIS THE 30TH DAY OF DECEMBER 2020
 BEFORE
 THE HON'BLE MR. JUSTICE M.NAGAPRASANNA
WRIT PETITION NO. 15664/ 2020 [LB - BMP]

PETITIONERS:

1. SRI. K. V. NARAYANA REDDY
S/O. EERAPPA REDDY, AGED ABOUT 60 YEARS,
2. SRI. K. V. NARAYANA REDDY
S/O. VENKATAPPA REDDY, AGED ABOUT 60 YEARS,
3. SRI. VENKATESH
S/O. ABBAPPA, AGED ABOUT 43 YEARS,
4. SRI. MARIYAPPA
S/O. LATE VENKATAPPA, AGED ABOUT 60 YEARS,
5. SRI. GOPALA REDDY
S/O. MALLAPPA REDDY, AGED ABOUT 75 YEARS,
6. SRI. K. V. ANANDA REDDY
S/O. LATE VENKATAPPA REDDY,
AGED ABOUT 68 YEARS,
7. SRI. RAJAPPA
S/O. ABBAPPA, AGED ABOUT 57 YEARS,
8. SMT. PARVATHY. E
W/O. CHARLES. E, AGED ABOUT 50 YEARS,
9. SMT. KAVERI
W/O. MUNIRAJU, AGED ABOUT 60 YEARS,
10. SRI. V. T. NARAYANA REDDY
S/O. LATE VEERAPPA REDDY, AGED ABOUT 65 YEARS,
11. SRI. V. KRISHNAPPA
S/O. LATE VENKATAPPA,
AGED ABOUT 52 YEARS,
12. SRI. V. PAPANNA
S/O. LATE VENKATAPPA,
AGED ABOUT 72 YEARS,
13. SMT. HEMAPRABHA
W/O. LATE KESHAVA REDDY,
AGED ABOUT 40 YEARS,

... (2)

-2-

14 . SRI. L. VENKATAPPA
S/O. LAKSHMAIAH,
AGED ABOUT 60 YEARS,

15 . SMT. GOWRAMMA
W/O. RAMA REDDY,
AGED ABOUT 65 YEARS,

16 . SRI. K. R. RAMESH
S/O. LATE RAMAIAH,
AGED ABOUT 43 YEARS,

17 . SRI. L. MUNIRAJU
S/O. LATE LAKSHMAIAH,
AGED ABOUT 61 YEARS,

18 . SRI. YELLAPPA
S/O. CHINNAPPA,
AGED ABOUT 81 YEARS,

19 . P. PRANEETH
S/O. N.C. PUTTAPPA,
AGED ABOUT 48 YEARS,

20 . SRINIVASA REDDY
S/O. LATE NARASIMHA REDDY,
AGED ABOUT 55 YEARS,

21 . SMT. JAYALAKSHMI
W/O. SRINIVASA REDDY,
AGED ABOUT 45 YEARS,

NO.20 AND 21 REP BY THEIR GPA HOLDER,
M.K.K. DURANI

22 . SRI. N. NARAYANAREDDY
S/O. NARASIMHAIAH REDDY,
AGED ABOUT 65 YEARS,

ALL THE PETITIONERS ARE RESIDING
AT KUDLU VILLAGE, WARD NO.191,
SINGASANDRA, BANGALORE-560 078.

By Sri. J.N.NAVEEN & PAVITHRA.N., ADVS.,
V/s

RESPONDENTS:

1 . THE BRUHATH BENGALURU MAHANAGARA PALIKE
HUDSON CIRCLE, BANGALORE-560 001,
REP BY ITS COMMISSIONER.

...(3)

-3-

2 . THE ASSISTANT EXECUTIVE ENGINEER
BEGUR SUB DIVISION, BBMP,
DEVARACHIKKANAHALLI MAIN ROAD,
BEGUR, BANGALORE-560 114.

Whereas, a Writ Petition filed by the above named petitioner under Article 226 & 227 of the constitution of India, has been registered by this Court.

After hearing, the Court made the following:

ORDER

List the matter on 04/01/2021.

Respondents are directed not to precipitate the matter till 04/01/2021.

Sd/-
JUDGE

//Copy//

[Handwritten signature] 30/12/20
E.C. ASSISTANT REGISTRAR
[Handwritten signature]

RA

