

IN THE HIGH COURT OF KARNATAKA AT BANGALORE
Dated this the 23rd Day of February, 2001

Present

THE HON'BLE MR P V REDDI, CHIEF JUSTICE
&
THE HON'BLE MR JUSTICE K L MANJUNATH

Writ Petition 24185 / 1997 (GM-PIL)

Between:

Sri Ramachandra, 38 yrs
S/o late Hanumanthappa
R/a # 674, III Stage, I Block
8th 'B' Main, 88-A Bus Stop
Manjunathanagar, Bangalore 10

Petitioner

(By Sri D S Lingappa, Adv.)

And:

1. State of Karnataka – By its
Chief Secretary
Dr Ambedkar Road, Bangalore 1
2. The Principal Chief Conservator
Of Forests, 4th Floor
Aranya Bhavan, Malleshwaram
Bangalore 3
3. Bangalore Mahanagara palike
N R Square, J C Road
Bangalore
By its Commissioner
4. Karnataka State Road Transport
Corporation, Double Road
Bangalore – By its General Manager
5. Karnataka State Pollution Control Board

Visveshwaraiah Towers
Dr Ambedkar Road, Bangalore

6. Department of Revenue – By its
Secretary, State of Karnataka
M S Bldg., Bangalore 1
 7. Bangalore Metropolitan Transport Corpn.
K H Road, Bangalore 27 - By its
Managing Director
- Respondenis

(By Sri Jayaram, Adv.General for R1, 2 & 6;
Sri K N puttegowda, Adv. For R3; Sri B K
Sridhara, Adv. For R5; Sri S Prakash Shetty, Adv.
For R7; Sri L Govindaraj, Adv. For R4)

This Writ Petition is filed under Art.226 & 227 of the
Constitution praying to quash annexure C dated 22.9.92 by R6,
etc.

This Writ Petition coming on for Orders this day, the Hon'ble
Chief Justice made the following:

ORDER

This writ petition has been filed by way of public interest
litigation questioning the order passed by the State Government
(Revenue Department) according sanction for the grant of 4 acres
of land in Sy.No.120 of Saneguruvanahalli Village, Yeshwanthpur
Hobli, Bangalore North Taluk in favour of the KSRTC for the
construction of bus depot subject to payment of market value of
50% and another extent of 4 acres of land in favour of Karnataka
State Pollution Control Board for the construction of its office
building and laboratory and another extent of 4 acres in favour of

R

the Revenue Department for construction of residential quarters for its employees. The petitioner also sought for direction to restrain the 1st respondent (State Government) from making any grant of tank bed land in Sy.No.120 and to preserve the same.

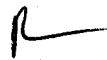
It is the contention of the petitioner that the land in question has been earmarked for park. However, it is stated by the learned Senior counsel appearing for the Pollution Control Board that the land in question has been earmarked partly for residential, partly for commercial and partly for the purpose of park. It is further brought to our notice that on the application filed by the Pollution Control Board, the land use has been changed permitting the Board to undertake construction of the office building. It is also brought to our notice that at one point of time, the land in question was handed over to the Forest Department for development of a tree park.

It is not in dispute that the tank in question is in disuse and the constructions have come ^{wr} all over the tank bed which existed in the long past. The question of restoration of tank and preservation of tank bed is therefore, highly impracticable at this juncture. Another fact to be noticed is that this writ petition was filed nearly five years after the impugned ^{wr} government order was issued. The



KSRTC has made substantial investment for levelling of the land and putting up fence all round the land allotted to it. Moreover, as already noticed, the land use has been changed in the case of Pollution Control Board by following the procedure prescribed under the law. Having regard to the physical features of the land and the use to which it is being put to, the entire land in Sy.No.120 cannot be restored back to its original position without demolishing the buildings which have already come up. It is not the case of the petitioner that such constructions were made unauthorisedly. The persons who constructed the buildings are not parties before us. In these circumstances, it would be inexpedient and inappropriate to grant the larger relief sought for by the petitioner. We are, however, of the view that sufficient greenery and lung space should be provided for the residents of the area and the wholesale diversion of the land for the purpose other than the park should not be permitted. Taking a pragmatic view of the matter and balancing the consideration of environment and public interest and also taking into account the representations made by the learned counsel for the respondents, the following order is passed:

1. The Karnataka State Pollution Control Board should set apart an extent of 2 acres of land for the purpose of



developing the same in to park/garden. A memo to this effect has been filed today on behalf of the Board..

2. The KSRTC shall set apart 1 acre of land as park and playground. To this effect, statement has been filed today on behalf of the Corporation.
3. The Revenue Department should set apart 1 acre of land and raise a park/garden , if necessary in co-ordination with the Forest Department.

The park/garden so developed shall be accessible to public. We further direct that the representatives of the three authorities namely, Pollution Control Board, KSRTC and the revenue Department as well as the Bangalore Mahanagara Palike and the Forest Department should meet within two months from the date of receipt of this order and explore the possibility of setting apart the aforementioned land in contiguity. With ^{these} ~~this~~ direction, the writ petition is disposed of.

Sd/-
Chief Justice

Sd/- JUDGE

An/240201