

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

**DATED THIS THE 11<sup>TH</sup> DAY OF JUNE, 2018**

**PRESENT**

**HON'BLE MR.JUSTICE DINESH MAHESHWARI, CHIEF JUSTICE**

**AND**

**HON'BLE MR.JUSTICE KRISHNA S. DIXIT**

**WRIT PETITION NOS.31791-31792 OF 2016 (LB-RES) PIL**

**C/W WRIT PETITION NO.33081 OF 2016**

IN W.P.Nos.31791-31792/2016

BETWEEN:

1. MR.RAJEEV CHANDRASEKHAR  
MEMBER OF PARLIAMENT  
AGED ABOUT 52 YEARS  
S/O AIR CDR M.K.CHANDRASEKHAR (RETD.)  
RESIDING AT NO.375, 13<sup>TH</sup> MAIN  
3<sup>RD</sup> BLOCK, KORAMANGALA  
BENGALURU – 560 034
  2. NAMMA BENGALURU FOUNDATION  
A REGISTERED PUBLIC CHARITABLE TRUST  
HAVING ITS REGISTERED OFFICE AT  
NO.3J, N.A.CHAMBERS  
7<sup>TH</sup> C MAIN, 3<sup>RD</sup> CROSS, 3<sup>RD</sup> BLOCK  
KORAMANGALA  
BENGALURU – 560 034  
REPRESENTED BY ITS  
AUTHORISED SIGNATORY  
SHRI. SRIDHAR PABBISSETTY
- ... PETITIONERS

(BY SRI.SAJAN POOVAYYA, SENIOR ADVOCATE FOR  
MS. NALINA MAYEGOWDA, ADVOCATE)

AND:

1. STATE OF KARNATAKA  
REPRESENTED BY THE  
CHIEF SECRETARY TO GOVERNMENT  
VIDHANA SOUDHA  
DR.AMBEDKAR VEEDHI  
BANGALORE – 560 001
  2. BRUHAT BENGALURU MAHANAGARA PALIKE  
CORPORATION BUILDING  
NR SQUARE  
BANGALORE – 560 002  
REPRESENTED BY ITS COMMISSIONER
  3. URBAN DEVELOPMENT DEPARTMENT  
VIKASA SOUDHA  
BANGALORE – 560 001  
THROUGH ITS ADDITIONAL CHIEF SECRETARY
  4. BANGALORE DEVELOPMENT AUTHORITY  
T.CHOWDAIAH ROAD  
KUMARA PARK WEST  
BANGALORE – 560 020  
REPRESENTED BY ITS  
COMMISSIONER
  5. KARNATAKA STATE ELECTION COMMISSION  
STATE CO-OPERATIVE SALES SOCIETY  
BUILDING (REG.)  
1<sup>ST</sup> FLOOR, NO.4  
CUNNINGHAM ROAD  
BANGALORE – 52  
REPRESENTED BY THE  
STATE ELECTION COMMISSIONER
  6. BANGALORE METROPOLITAN REGION  
DEVELOPMENT (BMRDA)  
NO.1, ALIK ASKAR ROAD  
LRDE BUILDING  
BANGALORE – 560 052  
REPRESENTED BY ITS  
COMMISSIONER
- ... RESPONDENTS

(SRI.PONNANNA A.S., ADDITIONAL ADVOCATE GENERAL  
ALONG WITH SRI.S.H.PRASHANTH, AGA, FOR  
RESPONDENT NOS.1 & 3  
SRI.V.SREENIDHI, ADVOCATE FOR RESPONDENT NO.2  
SRI.K.KRISHNA, ADVOCATE FOR RESPONDENT NO.4  
SRI.YOGESH D. NAIK, ADVOCATE FOR RESPONDENT NO.6  
RESPONDENT NO.5 – SERVED UNREPRESENTED)

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THIS WRIT PETITION IS FILED UNDER ARTICLES 226  
AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO  
QUASH THE GOVERNMENT ORDER DATED 28.04.2016  
PRODUCED AT ANNEXURE-A AS BEING ILLEGAL AND  
UNCONSTITUTIONAL, AND ETC.

IN W.P.No.33081/2016

BETWEEN:

CITIZENS ACTION FORUM, BANGALORE  
A SOCIETY REGISTERED UNDER THE  
PROVISIONS OF THE  
SOCIETIES REGISTRATION ACT, 1960  
NO.724, 7<sup>TH</sup> A MAIN ROAD  
1<sup>ST</sup> BLOCK HRBR LAYOUT  
BANASWADI, BANGALORE – 560 043  
REPRESENTED BY MR.VIJAYAN MENON

... PETITIONER

(BY MS.VIDYA R, ADVOCATE FOR  
SRI.HARISH B.N, ADVOCATE)

AND:

STATE OF KARNATAKA  
URBAN DEVELOPMENT DEPARTMENT  
VIKASA SOUDHA  
BANGALORE – 560 001  
THROUGH THE PRINCIPAL SECRETARY ... RESPONDENT

(BY SRI.A.S.PONNANNA, ADDITIONAL ADVOCATE GENERAL  
ALONG WITH SRI.S.H.PRASHANTH, AGA)

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THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE IMPUGNED ORDER BEING GOVERNMENT ORDER NO.UDD 97 CO-ORDINATION 2014, BENGALURU, DATED 28.4.2016 (AT ANNEXURE-A), AND ETC.

THESE PETITIONS COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP THIS DAY, **CHIEF JUSTICE**, MADE THE FOLLOWING:

### **ORDER**

During the course of consideration of these matters on the earlier occasions, we had expressed reservations that a parallel advisory body in the name of "Bengaluru Vision Group" has at all been constituted, particularly when Bengaluru Metropolitan Planning Committee is already in place, as required by Article 243ZE of the Constitution of India, and as constituted under the Government notification No.UDD 356 MNJ 2005 (P), dated 04.01.2014 (Annexure-E). However, at the request of learned Additional Advocate General, the matter was adjourned to this date.

Today, the learned Additional Advocate General has placed before us the order bearing No.UDD 462 MNY 2016, Bengaluru, dated 08.06.2018, as issued by the Government of Karnataka in its Urban Development Department annulling

with immediate effect, the earlier Government Order No.UDD 97 Co-ordn 2014 dated 28.04.2016, constituting the 'Bengaluru Vision Group'.

While considering this matter, it has appeared that the English translation of this order dated 08.06.2018 is not carrying apt expressions conveying correct meaning of the expressions used in the original order issued in Kannada. Sri.A.S.Ponnanna, learned Additional Advocate General, while not disputing that the English translation requires modification, submits that the authorities have been instructed accordingly and the correct translation is being issued.

On the submissions as made and having regard to the order dated 08.06.2018, we are satisfied that the Government has appropriately re-examined the matter. Now, when the constitution of the questioned 'Bengaluru Vision Group' stands annulled, we find no reason to continue with these petitions any further.

However, it is noticed that the said Vision Group was constituted way back in the year 2016. If at all any exercise had been undertaken by it and lest the same is lost altogether, it appears appropriate that its records be transferred to the Bengaluru Metropolitan Planning Committee, who may utilize the propositions formulated or the opinions received/formed by the said Vision Group, of course, in accordance with law.

No further orders being requisite, these petitions stand disposed of with the observations foregoing.

**Sd/-  
CHIEF JUSTICE**

**Sd/-  
JUDGE**

AHB