

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 8TH DAY OF JUNE 2015

PRESENT

HON'BLE MR.SUBHRO KAMAL MUKHERJEE, ACTING CHIEF JUSTICE

AND

HON'BLE MR.JUSTICE RAM MOHAN REDDY

WP No.7107/2008(GM-RES-PIL)

BETWEEN

1. ENVIRONMENT SUPPORT GROUP
(TRUST REGISTERED UNDER INDIAN TRUST ACT)
REPRESENTED BY DR.ROBERT
JOHN CHANDRAN, TRUSTEE
S/O LATE MR. JOHN CHANDRAN,
105, EAST END B MAIN ROAD, JAYANAGAR
9TH BLOCK EAST, BANGALORE-560 069.

2. MR LEO SALDHANA
S/O S.J.SALDANHA
AGED ABOUT 40 YEARS,
1, PEARL GARDENS
VAJARAHALI, KANAKPUARA ROAD,
BANGALORE-560 062.

3. CIVIC BANGALORE
(TRUST REGISTERED UNDER THE INDIAN TRUST ACT)
REPERSETNED BY ITS EXECUTIVE TRUSTEE
MS.KATHYAYINI CHAMARAJ
D/O DR.B.N.LINGARAJU,
AGED ABOUT 57 YEARS,
APT.#6, 2ND FLOOR, KASTURI APTS.,
35/23, (OLD 35/11), LANGFORD ROAD CROSS,
SHANTHINAGAR,
BANGALORE-560 025.

... PETITIONERS

(By Sri S SIDDAPPA, ADV., &
Sri S.SUNIL DUTT YADAV, ADV., for Petitioner Nos.1 and 3
Sri LEO SALDHANA, Petitioner No.2
as party-in-person (present))

AND

1. STATE OF KARNATAKA

VIDHANA SOUDHA,

BANGALORE-560 001,

REPRESENTED BY ITS CHIEF SECRETARY,

2. DEPARTMENT OF URBAN DEVELOPMENT

MULTISTORYED BUILDING,

DR.AMBEDKAR VEEDHI

BANGALORE-560 001,

REPRESENTED BY ITS PRINCIPAL SECRETARY.

3. DEPARTMENT OF FORESTS, ECOLOGY & ENVIRONMENT

MULTISTORYED BUILDING,

DR.AMBEDKAR VEEDHI

BANGALORE-560 001,

REPRESENTED BY ITS PRINCIPAL SECRETARY.

4. DEPARTMENT OF HOME AND TRANSPORT

VIDHANA SOUDHA,

BANGALORE 560 001,

REPRESENTED BY ITS PRINCIPAL SECRETARY.

5. BANGALORE METROPOLITAN LAND TRANSPORT

AUTHORITY, DIRECTORATE OF URBAN LAND TRANSPORT,

ROOM NO.340, VIKAS SOUDHA,

BANGALORE-560 001,

REPRESENTED BY ITS MEMBER SECRETARY.

6. BRUHAT BANGALORE MAHANAGARA PALIKE

N.R.SQAURE

BANGALORE-560 002,

REPRESENTED BY ITS COMMISSIONER,

7. DEPUTY CONSERVATOR OF FORESTS AND TREE OFFICER

BRUHAT BANGALORE MAHANAGARA PALIKE,

N.R.SQUARE,

BANGALORE-560 002.

8. DEPUTY CONSERVATOR OF FORESTS

BANGALORE URBAN DIVISION,

KARNATAKA STATE FOREST DEPARTMENT,

ARANYA BHAVAN, 18TH CROSS, MALLESWARAM,

BANGALORE-560 003.

9. BANGALORE METRO RAIL CORPORATION LTD
3RD FLOOR, BMTc COMPLEX,
K.H.ROAD, SHANTHINAGAR,
BANGALORE-560 027,
REPRESENTED BY ITS MANAGING DIRECTOR,

10. COMMISSIONER OF POLICE
INFANTRY ROAD,
BANGALORE-560 001.

11. DEPARTMENT OF TOWN PLANNING
M.S.BUILDING, DR.AMBEDKAR VEEDHI
BANGALORE-560 001,
REPRESENTED BY ITS DIRECTOR,

12. BANGALORE DEVELOPMENT AUTHORITY
T.CHOWDAIAH ROAD,
BANGALORE-560 020,
REPRESENTED BY ITS COMMISSIONER,

13. MINISTRY OF URBAN DEVELOPMENT
GOVERNMENT OF INDIA
NIRMAN BHAVAN,
NEW DELHI 11000
REPRESENTED BY ITS SECRETARY.

14. MINISTRY OF ENVIRONMENT AND FORESTS
PARYAVARAN BHAVAN,
CGO COMPLEX, LODI ROAD,
NEW DELHI,
REPRESENTED BY ITS SECRETARY.

15. DEPARTMENT OF ROAD TRANSPORT AND HIGHWAYS
UNION MINISTRY OF SHIPPING,
ROAD TRANSPORT AND HIGHWAYS,
TRANSPORT BHAVAN, 1, PARLIAMENT STREET,
NEW DELHI 110 001
REPRESENTED BY ITS SECRETARY(RT & H)

... RESPONDENTS

(By Sri E.R.DINAKAR, AGA FOR R1-4, 8, 10 & 11
R.5 SERVED – set exparte vide order dated 01.08.2012
Sri V.SREENIDHI, ADV., for R.6 AND R.7
Smt.SUMANA BALIGA.M, ADV., FOR R.9
Sri V.Y.KUMAR, ADV., FOR R.12,
Sri Y.D.HARSHA, CGC FOR R.13 to R.15)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THOSE IMPUGNED NOTIFICATIONS SANCTIONING ROAD WIDENING, ENCLOSED AS ANNEXURE-AR.1 TO AR.5 DT. 02.03.2005, 5.12.2007, AR.6 TO AR.15 DT.2.3.2005 AND CONSEQUENTLY, SET ASIDE THE IMPUGNED ORDERS RELATING TO TREE FELLING ANNEXED AT ANNEX.AT-1 TO AT-17 ALONG WITH ITS TRANSLATED COPIES DT.17.1.2008, 4.1.2008, 30.12.2007, 18.12.2007, 16.12.2007, 4.12.2007, 19.11.2007, 3.11.2007, 25.10.2007, 27.9.2007, 26.9.2007, 25.9.2007, 4.9.2007 AND ETC.,

THIS WRIT PETITION COMING ON FOR FINAL HEARING THIS DAY, **ACTING CHIEF JUSTICE** MADE THE FOLLOWING:

ORDER

The petitioner No.2 is appearing in person.

2. By filing this writ petition, he objects widening of public roads by the authorities alleging that there has been violation of the provisions of the Karnataka Town and Country Planning Act, 1961.

3. In the course of the arguments, petitioner No.2 appearing in person candidly admitted that he has his office abutting one such road. Therefore, some amount of private interest is involved in this litigation and, therefore, this case cannot be termed as public interest litigation.

4. The writ petition is, therefore, rejected. However, this will not prevent him from approaching the authorities with a representation. If a representation is made within fortnight, the authorities shall consider such representation, in accordance with law.

Consequently, I.A.No.I of 2012 does not survive for consideration.

We make no order as to costs.

Sd/-
ACTING CHIEF JUSTICE

Sd/-
JUDGE