

SUPREME COURT OF INDIA

B.A. Basavaiah

Vs.

Bangalore Development Authority

S.L.P.(C) CC.7182-7184 of 1999

(K. T. Thomas and M. B. Shah, JJ.)

07.01.2000

ORDER:-

The challenge made by the petitioners is against the Notification issued by the Government under Section 48 of the Land Acquisition Act for deacquisition of a particular area of the land covered in a larger area in Survey Nos. 126 and 139. The entire focus of the petitioners for challenging the said Notification is that possession has been taken by the Government pursuant to the acquisition proceedings and therefore Section 48 of the Act cannot be invoked. Petitioners are not the persons to contend that possession has been taken, for the person from whom possession is alleged to have been taken has denied it. He is respondent No. 5 in this SLP. The Government stand as is discerned from paragraph 6 of the counter-affidavit filed in answer to the writ petition, is that possession of this particular area has not been taken on the ground that the area is a built up area. Thus, as between the persons concerned (namely; Government and the land owner) there is no dispute that possession of this area has not been taken. It is impermissible for a stranger to contend that the possession has been taken. We, therefore, find no substance in this SLP. It is accordingly dismissed.

Petition dismissed.