

Karnataka High Court

Bangalore Elevated Toll Way Ltd. vs The State Of Karnataka on 13 February, 2019

Author: H T Prasad

1

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 13TH DAY OF FEBRUARY 2019

BEFORE

THE HON'BLE MR. JUSTICE H. T. NARENDRA PRASAD

WRIT PETITION Nos.33383-33389/2013 (GM-RES)

BETWEEN:

BANGALORE ELEVATED TOLL WAY LTD.
A COMPANY INCORPORATED UNDER THE
PROVISIONS OF THE COMPANIES ACT 1956 &
HAVING ITS REGISTERED OFFICE AT
NCC HOUSE, SY.NO.64, MADHAPUR
HYDERABAD-500 081
REPRESENTED BY ITS DIRECTOR
MR.RAGHU VARMA ALLURI.

... PETITIONER

(BY SRI. P K SHRIKARA, ADV. FOR
PRAGATHI LAW CHAMBERS)

AND

1. THE STATE OF KARNATAKA
REPRESENTED BY THE PRINCIPAL SECRETARY
DEPARTMENT OF PUBLIC WORKS
PORTS AND INLAND WATER TRANSPORT
GOVERNMENT OF KARNATAKA
VIDHANA SOUDHA, BANGALORE-560 001.
2. NATIONAL HIGHWAYS AUTHORITY OF INDIA
(MINISTRY OF SHIPPING ROAD TRANSPORT AND

2

HIGHWAYS)
GOVERNMENT OF INDIA
G-5 & 6, SECTOR-10, DWARKA
NEW DELHI-110 075.

3. THE DEPUTY COMMISSIONER

BANGALORE URBAN DISTRICT
BANGALORE.

4. DR.G.S.PRAKASH
DEPUTY COMMISSIONER
BANGALORE URBAN DISTRICT
BANGALORE.
5. SUPERINTENDENT OF POLICE
BANGALORE RURAL DISTRICT
BANGALORE.
6. SUB INSPECTOR OF POLICE
ATTIBELE POLICE STATION
BANGALORE.

... RESPONDENTS

(BY SMT. NILOUFER AKBAR, AGA. FOR R1, R3,
R5 & R6, SMT. SHILPA SHAH FOR M/S SINGHANIA
AND PARTNERS ADV. FOR R2,
V/O DATED 18.10.2016 WP STANDS DISMISSED
AGAINST R4)

THESE WRIT PETITIONS ARE FILED UNDER
ARTICLES 226 AND 227 OF THE CONSTITUTION OF
INDIA PRAYING TO QUASH THE COMMUNICATION
DT.23.7.2013 SENT BY THE R-3 TO THE R-2 VIDE
ANNEXURE-A AS ILLEGAL AND WHOLLY ARBITRARY &
ETC.,

3

THESE WRIT PETITIONS COMING ON
ORDERS THIS DAY, THE COURT MADE
FOLLOWING:

FOR
THE

ORDER

In these writ petitions, the petitioner had sought for the following prayers:

a) "issue a writ, order or direction in nature of certiorari or any other writ of like nature quashing the communication dated 23.07.2013 bearing reference No.MAG[4]Mis/CR/267/2011-12 sent by the 3rd respondent to the 2nd respondent (vide Annexure 'A') as illegal and wholly arbitrary;

b) declare that the act of the 3rd respondent in causing demolition of the toll booth on 23.07.2013 pursuant to the aforesaid communication dated 23.07.2013 bearing reference No.MAG[4]Mis/CR/267/2011-12 (vide Annexure 'A') is illegal, wholly

arbitrary and without jurisdiction;

- c) Issue a writ, order or direction in nature of mandamus or any other writ of like nature directing the respondents 5 and 6 to deploy police personnel at the toll plaza for protection of the toll plaza and the people working therein pursuant to the request made in the petitioner's letter dated 24.07.2013 (Annexure B) in accordance with the state support agreement and support the construction of the demolished toll booths by the petitioner in terms of the said State Support Agreement read with Concession Agreement.
- d) direct the respondents to allow the petitioner to collect fee from the users of road as per the provisions of the Concession Agreement and the published Gazette Notification.
- e) directing the respondent No.4 to pay compensation of Rs.1 crore to the petitioner for the illegal demolition of two toll booths at Attibele Plaza on 24.07.2013 and thereby causing enormous mental agony, pain and harassment to the petitioner, its employees, staff, etc.
- f) direct the respondents to bear the cost of the present writ petition.
- g) Pass any other order as this Hon'ble Court deems fit in the circumstances of the case. In the interest of justice and equity."

The learned AGA has filed a memo dated 13.2.2019 enclosing the letter dated 27.6.2018 addressed by the petitioner to the Circle Inspector of Police, Attibele Police Station and letter 12.2.2019 addressed to the Sub-Inspector of Police, Attibele Police Station stating that the police have given protection to the petitioner for construction of the toll booths and toll collection was restored and the petitioner is permitted to collect the toll. Hence, the writ petitions do not survive for consideration.

The memo is placed on record.

In view of the memo filed, the writ petitions are dismissed as having become infructuous.

Sd/-

JUDGE DM