

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF OCTOBER, 2019

BEFORE

THE HON'BLE MR.JUSTICE P.S. DINESH KUMAR

WRIT PETITION No.42354 of 2014(GM-RES)

BETWEEN :

THE REGISTRAR GENERAL,
HIGH COURT OF KARNATAKA,
BANGALORE - 560 001.

...PETITIONER

(BY SHRI. S.SRIRANGA, ADVOCATE)

AND :

1. STATE OF KARNATAKA,
BY ITS CHIEF SECRETARY,
VIDHANA SOUDHA,
BANGALORE - 560 001.

2. THE DEPUTY DIRECTOR OF
HORTICULTURE,
CUBBON PARK DIVISION,
BANGALORE - 560 001.

... RESPONDENTS

(BY SHRI.PRABHULING K.NAVADAGI, ADVOCATE GENERAL, A/W.
SMT. SHWETA KRISHNAPPA, AGA)

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THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO PERMIT THE PETITIONER TO DEMOLISH AND PUT UP FRESH PROPOSED CONSTRUCTION I.E., PROPOSED ANNEXE BUILDING IN PLACE OF OLD ELECTION COMMISIONER'S OFFICE, BANGALORE SITUATED IN BETWEEN THE PRESS CLUB AND OLD K.G.I.D. BUILDING AS PER THE

APPROVED PLAN AND ALSO TO PERMIT THE CUTTING AND REMOVING OF 17 TREES THAT COMES WITHIN THE PROPOSED CONSTRUCTION AREAS.

THIS WRIT PETITION COMING ON FOR *PRELIMINARY HEARING IN 'B' GROUP*, THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

The Registrar General of this Court has moved this writ petition seeking a direction to permit the petitioner to demolish and put up proposed construction in place of old Election Commissioner's Office situated between Press Club and Old KGID Building as per the approved plan and to permit cutting and removing of 17 trees situated within the proposed construction area.

2. Shri.Sriranga, learned Advocate for petitioner submits that after filing of the petition, keeping in view the judgment of this Court in *G.K.Govinda Rao V/s. State of Karnataka* (W.P. No.32232/1998 and connected cases decided on 13th August 2001), the PWD Authorities have submitted a revised plan. The resultant position is that

there is no necessity to cut the 17 trees as proposed in the earlier plan. Further, the plinth area has been restricted to the existing plinth area. Accordingly, the State Government have passed order No. PWD 33 BJP 2019, on 23rd September 2019 stating that the Annexe Building of the High Court will be constructed after demolishing the old Election Commissioner's Office in Cubbon Park. He further submitted that this petition is moved to seek permission of this Court, in compliance with the directions contained in paragraph No.12 of *G.K.Govinda Rao's case*.

3. Shri. Sriranga, further submitted that the Registrar General of this Court has filed an affidavit stating that in view of the revised plan, there is no question of shifting of road or removal of 17 trees as proposed in the earlier plan.

4. Shri.Prabhuling K.Navadagi, learned Assistant Solicitor General appearing for the State submitted that State Government shall construct the building strictly in

accordance with the revised plan. This Court in *Govinda Rao's case* has held that no further constructions shall be made in the Cubbon Park without obtaining clearance from this Court. The relevant portion of the affidavit reads as follows:

*"The Government on consideration of various aspects has reworked on the entire concept and the new proposal contemplates construction of total constructed area of 4924 sq. m., including 2 basements and 7 floors with the height of each floor being 3.50 m. Copies of statement of area along with plans prepared by Public Works Departments are collectively enclosed herewith as **Annexure-L**. The said proposal has been approved vide Government Order bearing No. PWD 33 BJP 2019 dated 23.09.2019. A copy of the same along with the translation is produced as **Annexure-M**. The said Government Order clearly stipulates that the plinth area of the proposed construction shall be within the plinth area of existing building. I hereby submit that in view of the new proposal, the question of shifting of road or removal of 17 trees as proposed earlier also would not arise."*

(Emphasis Supplied)

5. In view of the above, the following:

ORDER

- (i) Writ Petition is ***allowed***.
- (ii) Permission is granted to put up construction as per revised plan without cutting any tree.

No costs.

**Sd/-
JUDGE**

SPS