



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 8TH DAY OF AUGUST, 2023



PRESENT

THE HON'BLE MR PRASANNA B. VARALE, CHIEF JUSTICE

AND

THE HON'BLE MR JUSTICE M.G.S. KAMAL

WRIT PETITION NO. 15215 OF 2020 (LB-RES)

BETWEEN:

1. PROF D. SHRIJAY DEVARAJ URS
AGED ABOUT 67 YEARS
S/O LATE MR. DEVARAJ URS
RESIDING AT NO. 1515, DEV ALAYA
C AND D BLOCK ANIKETANA ROAD,
KUVEMPUNAGAR
MYSURU - 560 023.
2. MR. G SATYANARAYANA @ GOURI SATYA
AGED ABOUT 80 YEARS
S/O LATE MR. G.L. SWAMY
RESIDING AT: 224,
DEWAN'S ROAD,
CHAMARAJA MOHALLA
MYSURU - 570 004.
3. MR. N NIRANJAN NIKAM
AGED ABOUT 65 YEARS





S/O LATE MR. A N NIKAM
RESIDING AT: 60
FIRST CROSS
GARUDACHAR LAYOUT
VIJAYANAGAR III STAGE
MYSURU - 570 017.

(DELETED VIDE COURT DATED 10.11.2021)

4. MR. R RAJA CHANDRA
AGED ABOUT 68 YEARS
S/O LATE MR. K. RANGA RAJA URS
RESIDING AT 241, 15TH MAIN
RMV EXTENSION
BENGALURU - 560 080.

...PETITIONERS

(BY SMT. NIDHISHREE B.V., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
ROOM NO. 321
VIDHANA SOUDHA
BENGALURU - 560 001
REPRESENTED BY ITS
CHIEF SECRETARY
2. MYSURU CITY CORPORATION
NEXT TO BANUMAIAH COLLEGE
SAYYAJI RAO ROAD
AGRAHARA, CHAMARAJAPURA
MYSURU - 570 024
REPRESENTED BY ITS
COMMISSIONER



3. MYSURU URBAN DEVELOPMENT
AUTHORITY
JHANSI RANI LAKSHMI BAI ROAD,
CHAMARAJAPURA
CHAMARAJAPURAM MOHALLA,
LAKSHMIPURAM
MYSURU - 570 005
REPRESENTED BY ITS
COMMISSIONER

...RESPONDENTS

(BY SRI S.S. MAHENDRA, AGA FOR R-1
SMT. GEETHADEVI M. PAPANNA, ADVOCATE FOR R-2
R-3 SERVED & UNREPRESENTED)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE DIRECTION TO THE RESPONDENT AUTHORITIES TO REFRAIN FROM DEMOLISHING OR RECONSTRUCTING THE DEVARAJA MARKET AND LANSDOWNE BUILDING GIVEN THAT THE DEVARAJ MARKET AND LANSDOWNE BUILDING ARE HERITAGE BUILDINGS WITHIN THE MEANING OF SECTION 2(1ea) OF THE KARNATAKA TOWN AND COUNTRY PLANNING ACT, 1961, IN VIEW OF THEIR CLASSIFICATION AS HERITAGE BUILDING IN THE MASTER PLAN - 2031 FOR MYSORE - NANJANGUD LOCAL PLANNING AREA (REVISION-II) AT ANNEXURE-A SERIES & ETC.

THIS WRIT PETITION COMING ON FOR FURTHER CONSIDERATION, THIS DAY, **CHIEF JUSTICE** MADE THE FOLLOWING:



ORDER

1. This public interest litigation is filed seeking issuance of a writ of mandamus directing the respondents-Authorities to refrain from demolishing or reconstructing Devaraja Market building and Lansdowne Building of Mysore City contending *inter alia*;

1.1. That the Devaraj Market and Lansdowne Buildings were built during the time of erstwhile Maharaja of Mysore Sri. Chamarajendra Wodeyar(1881-1894). That these buildings were planned to compliment and complete the setting of Mysore Palace and if buildings are not preserved, the Mysore Palace and Fort would lose much of its setting. That the aforesaid buildings have been listed and graded as heritage buildings in the Master Plan 2031 of Mysore Nanjangud Local Planning Area, indicating that they have been and are the prime land mark of the region.

1.2. That these buildings are in a dilapidated condition requiring restoration work. That during the restoration work taken up in 2015, North gate of the Devaraja Market collapsed on 28.08.2016 resulting in



stopping of the restoration work. That opinion of experts was sought who had opined that the said buildings could be rehabilitated and put back to its original function with a scientific approach to assessment and structural conservation.

1.3. That a Task Force that was constituted had visited the Devaraja Market on 01.09.2016, recommended demolition and reconstruction in the original Heritage design. However, subsequently, a Heritage Expert Committee that visited Devaraja Market on 22.02.2018 at the instance of the Deputy Commissioner, Mysore and on inspection, expressed the feasibility of restoration of the structures. These two contradictory reports were placed before the Urban Planning and Reformation Standing Committee which recommended demolition and reconstruction of Devaraja Market. Consequent thereof, second respondent unanimously passed a resolution on 29.01.2019 to demolish and reconstruct Devaraja Market. That, by an order dated 05.04.2019 passed in W.P.No.60550/2016 and connected matters, this Court had directed the Special Heritage Committee contemplated under Master Plan- 2031 to have a re-look as to whether whole or portions of the Devaraja Market would be restored, prior to taking steps for



demolition of said building and decision in this regard was directed to be taken within three months.

1.4. That upon directions of the third respondent, the Karnataka Engineering Research Station appointed an experts team to conduct spot inspection and submit a report. The said team recommended demolition and reconstruction of the market building.

1.5. Second Experts Committee meeting was held on 21.11.2019, some of the committee members opined that it was not proper to take a decision regarding demolition/restoration of the market building without examining the capacity/fitness of the present building and as such, it was resolved that a final decision would be taken in this regard after necessary tests. Subsequently, Expert Engineers Team of the Karnataka Engineering Research Station conducted few tests in respect of fitness of the building, based on which, a letter dated 28.11.2019 was addressed opining that Devaraja Market Building had lost its strength and is not fit for public use.

1.6. The Experts Committee in its third meeting held on 02.12.2019, resolved to place the report of the Karnataka Engineering Research Station before the



Special Heritage Committee to take a decision in the matter. That the Special Heritage Committee in its meeting held on 10.12.2019 unanimously decided to demolish the Devaraja Market Building and to take up reconstruction afresh as per rules in the existing heritage design and style and models restricting to the height of the existing building as per recommendation of the Experts Committee in the third meeting. Aggrieved by the above resolution, the petitioners have filed the present writ petition raising several grounds as enumerated in the petition seeking the relief as noted hereinabove.

2. Objection Statement to the above writ petition has been filed by the respondent- State stating that during the pendency of the writ petition, the State of Karnataka had enacted Zonal Regulations (Amendment), 2020(ZRA) in terms of which, the Deputy Commissioner, Mysore has been vested with the authority and power to constitute a committee which would take decision in accordance with zonal regulation and thus sought for disposal of the writ petition.



3. Respondent No.2 filed statement of objection contending that;

3.1. The buildings are more than 130 years old accommodating as many as 726 shops occupied by various vendors selling fruits, vegetables, etc., that the tenants/occupants of the said building have vested interest to continue being in occupation of the building despite leases having expired for over 40 to 50 years ago. That some of them have even sub-leased the premises to other occupants and paying lower rate of rents to their shops while collecting higher rent and misusing the premises.

3.2. That the Corporation made all its efforts for restoration of the building. It even entered into agreement with one Savani Heritage Ltd., on 16.02.2016 for restoration of both the buildings. But the restoration work could not be continued in view of the poor condition of the buildings.

3.3. That in the meanwhile, portion of the building on the Northern entrance had collapsed on 28.08.2016 and gutted the main northern entrance portion, office occupied by Mysore City Corporation



and about 8 other independent shops in that area. In view of collapse of the building, restoration work was stopped. The Task Force committee conducted reconnaissance survey of the damaged area of the market and has recommended dismantling the entire structure and reconstruction of the Devaraja market building retaining the original architectural design.

3.4. That pursuant to the order passed by this Court in W.P.No.60550/2016, a Special Heritage Committee was constituted which in its meeting held on 03.08.2019 appointed experts. The Government passed orders for conducting spot inspection and to submit report by the said Experts Committee. The said Experts Committee met on 23.08.2019 and examined the issue of conservation of Heritage building, its safety in the light of public using the market and deliberated at length. The said committee decided to obtain the report about restoration of Devaraja Market building, the nature of construction, strength of the wall and roof safety etc., and to take a decision thereafter.

3.5. The Mysore Urban Development Authority obtained the report of Technical Division



of the Director of Karnataka Engineering Research Station and Executive Engineers Quality Control, KRS Sub Division Engineers, according to which, the Market building had lost its capacity and was not suitable for public use. The said Experts Committee again met on 21.11.2019 and 02.12.2019 and also inspected the Devaraja Market building discussed all the issues and majority of the members were of the opinion that the existing building had to be demolished. The Special Heritage Committee met on 10.12.2019 deliberated taking into consideration the test reports of the Karnataka Engineering Research Station, Experts committee decision, Mysuru-Nanjangud Master Plan, 2031 and recommended for demolishing and reconstruction of a new building as per the existing architecture. That pursuant to the recommendation of the Special Heritage Committee, Mysore City Corporation Council passed a resolution on 30.01.2020 approving the recommendation of Special Heritage Committee and sought State Government permission to proceed further. The Corporation had initiated steps to vacate the occupants and at this juncture, the present writ petition is filed.



3.6. As regard, Lansdowne Building, it is stated that more than 75% of the said building structure has fallen down and even the roof is in highly dilapidated condition. The public is barred from entering the building, all occupants have been relocated to temporary structures besides the building, there is no possibility of any renovation or restoration of the said building.

3.7. Denying the grounds urged by the petitioners, the respondent No.2 sought dismissal of the writ petition.

4. Respondent No.3 in its statement of objections reiterating the averments made by respondent No.2 with regard to condition of the buildings, inspections and tests carried by Karnataka Engineering Research Station and the Experts Committee and also the resolution passed recommending demolition and reconstruction of new building, sought for dismissal of the writ petition.



5. Rejoinders have been filed by the petitioners to the aforesaid statement of objections reiterating their contentions of requirement of restoration of work and to avoid demolition of the building.

6. Petitioners as well as respondents /Corporation have placed on record the materials in the nature of reports of the Expert Committee, resolutions of the meeting, photographs which are referred to in the pleading.

7. Considering the issue raised in the writ petition, several orders have been passed by this Court. Subsequent to our detailed order dated 24.05.2023, respondent No.2-Mysuru City Corporation filed a memo dated 09.06.2023 along with certain documents.



8. An application seeking amendment to the writ petition is filed. Respondent No.2 also filed objections to the said application.

9. Heard the learned counsel for the parties at length.

10. From the very averments made in the writ petition and in the statements of objections, the undisputed facts that emerge are that; the aforesaid buildings, namely Devaraja Market and Lansdowne building, though regarded as heritage buildings of 130 years old; are in dilapidated condition; that substantial portions of the said buildings have fallen down and occupants of Lansdowne building have been vacated and sheltered in a temporary accommodation; Public entry into the said building has been barred; that the respondent - Corporation indeed made attempts to restore and renovate



Devaraja Market building by engaging the services of a private entity and that the restoration work could not be continued as the building was in a very poor and dilapidated condition and portion of its Northern entrance and some of the shops collapsed during the restoration work; These events have admittedly led to constitution of Task Force and Special Heritage Committees, who have conducted extensive tests as noted above; Mysore Urban Development Authority obtained the report of Technical Division of the Director of Karnataka Engineering Research Station and Executive Engineer, Quality Control; The expert from the said Karnataka Engineering Research Station visited the Market, tested the soil type, type of foundation, depth of foundation, compressive strength of the bricks, non-destructive tests, rebound hammer test, ultrasonic pulse velocity test, extraction of concrete core on concrete element and core extraction on concrete parts, extent of corrosion of steel reinforcement and



submitted a report dated 28.09.2019 stating that the Market building had lost its capacity and was not suitable for public use; The said Expert Committee again met on 21.11.2019 and 02.12.2019 and also inspected the Devaraja Market, discussed all the issues and the majority of the members were of the opinion that the existing building had to be demolished; The Special Heritage Committee met on 10.12.2019 deliberated taking into consideration the test reports of the Karnataka Engineering Research Station, Expert Committee Decision, Mysuru-Nanjanagud Master Plan 2031 and recommended for demolishing and reconstruction of new buildings as per the existing architecture; that pursuant to the recommendation of the Special Heritage Committee, Mysore City Corporation Council passed a resolution on 30.01.2020 approving the recommendation of Special Heritage Committee and sought State Government's permission to proceed further.



11. During the pendency of the petition, Heritage Conservation Committee has been constituted by the State Government on 19.01.2022. The said Heritage Conservation Committee conducted its 3rd and 4th meeting on 16.02.2022 and 13.04.2022. Respondent No.2- Mysore City Corporation has filed copies of the said proceedings of third and fourth meeting conducted by Heritage Conservation Committee.

12. The Principle contentions put fourth on behalf of the petitioners are; that the status of these buildings will have to be considered by the Heritage Conservation Committee for Mysore to be constituted as per Zonal Regulation (Amendment) 2020; that the report of the Heritage Conservation Committee submitted by the respondent No.2 cannot be relied upon as the said Committee is not constituted in terms of Regulation (Amendment), 2020; and that members of the said



committee lack required qualification and expertise in the field.

13. Considering the aforesaid reports and the contentions urged by the petitioners, in our order dated 24.05.2023, a reference was made to the third meeting conducted on 16.02.2022 and the fourth meeting conducted on 13.04.2022 by the Heritage Conservation Committee and also to the opinion expressed by the Structural Engineer. It was observed by this Court that the Structural Engineer, in clear terms, had opined that Devaraja Market building is over 100 years old and various Committees after conducting spot inspection had opined that the building has lost its strength and the same could be proved scientifically.

14. As the petitioners had raised certain objections insofar as expertise of the Structural Engineer, who is one of the Committee Members and also with regard to



qualification of the members of the Committee, a query was put to the learned counsel for the petitioners regarding the source of information/material to make such statement, the learned counsel had submitted that on receiving some information, such statement was made and that the same was not countered by the other side. As reference was already made to the Heritage Conservation Committee's meeting proceedings, this Court thought it fit to direct the learned counsel for respondent No.2 to place on record the Expert Committee Report as well as the details regarding academic qualification and experience of the Structural Engineer, who is one of the members of the Heritage Conservation Committee.

15. On the backdrop of these peculiar facts, we have perused the memo dated 09.06.2023 filed by respondent No.2 along with certain documents. The document at Annexure-2 reveals some important material facts regarding the sequence of events under the caption



'Note regarding various committees constituted and recommendation about Devaraja Market'. In the said note, it is stated that initially, it was decided to improve Devaraja Market building in heritage style as per the working plan in Government Order dated 22.05.2014 out of special grant of Rs.100 Crores by undertaking the exercise of floating tender etc. The work of conservation of Devaraja Market was awarded to one private construction company at an estimated cost of Rs.9.00 crores. When the work was under progress, on 28.06.2016, at 5.30 p.m., the main entrance on the Northern side of Devaraja Market and eight shops of the Corporation collapsed. As per the Government Order dated 13.10.2014, the Task Force Committee was formed consisting of President-Retired Professor, Institute of Indian Science, Bengaluru, Associate President-Retired Engineer-in-Chief, C.P.W.D, Bengaluru and other members who were having sufficient experience in the field of engineering and administration.



The Task Force Committee submitted its report on 01.10.2016 and recommended for demolition of Devaraja Market and to re-build the market in heritage style. The Special Heritage Committee members also inspected Devaraja Market on 22.02.2018 and submitted interim report on 06.03.2018. In the said interim report, the Special Heritage Committee recommended to continue the restoration work at Devaraja Market building. There was difference of opinion expressed by the Task Force Committee and the Special Heritage Committee and the reports of the Committees were placed before the Standing Committee for Town Planning and Reforms of Mysuru City Corporation. The Standing Committee was of the opinion that the Devaraja Market building is very old and is in a highly dilapidated condition. It has further opined that a portion of Devaraja Market building had also collapsed at the time of restoration work incurring a loss of Rs.73 lakhs to respondent No.2. Therefore, the Standing



Committee was of the opinion that it would be better to construct a new building in heritage style instead of restoring the old building. Accordingly, a resolution was passed by respondent No.2. Certain objections were raised to the said resolution. In this regard, the District In-charge Minister conducted spot inspection of the building, convened a meeting on 04.02.2019 and decided to submit a proposal to the Government. In the meantime, notices were issued to the occupants of the shops at Devaraja Market, Mysuru. Being aggrieved by the notices, W.P.No.60550/2016 and other connected matters were filed by the occupants. The learned Single Judge, vide order dated 05.04.2019, directed the Special Heritage Committee to have a re-look prior to taking steps towards demolition of the Devaraja Market and as to whether the whole or portions of the said building would be restored.



16. At this stage, the learned counsel for the petitioners' submits that Zonal Regulations (Amendment), 2020 came into effect, whereunder, there is a provision for Establishment and composition of the Heritage Conservation Committee and the specifications of the committee members were also referred to. She also submits that Structural Engineer is one of the members of the said Committee and the pre-requisite qualifications for the Structural Engineer are expertise in the field and he should be a member of Institute of Engineers. She further submits that there are specific qualifications prescribed so far as other members of the Committee are concerned.

17. The learned Single Judge, vide order dated 05.04.2019, had directed the Special Heritage Committee to have a re-look, prior to taking steps towards demolition of the Devaraja Market, as to whether whole or portions of the said building would be restored. Since a Special Heritage Committee comprising of all the members



mentioned above was already existing in Mysuru District, the matter was put forth before the Special Heritage Committee chaired by the Special Deputy Commissioner on 03.08.2019.

(Emphasis supplied)

18. It may not be out of place to state that the constitution of the Special Heritage Committee consists of one renowned Historian-Prof.Narasimhamurthy, Heritage Expert-Prof.M.S.Rangaraju, Town Planner-Sri A.V.Ragesh, Architect-Sri B.S.Shashibhushan, Structural Engineer-Dr.Saaran Paani, Conservative Engineer/Architect-Sri Poojar, Civil Engineer-Dr.G.P.Chandradhar and Legal Expert-Sri Suresh. This Special Heritage Committee constituted by the Deputy Commissioner met on three occasions i.e., on 23.08.2019, 21.11.2019 and 02.11.2019. They had also obtained the test reports of various materials used for construction from the Karnataka



Engineering Research Centre, Krishnaraja Sagara and
opined as under:

"To demolish the existing building and to reconstruct a new building in the same heritage style as per the existing structure and also maintaining the same height".

19. The opinion of the Special Heritage Committee was placed before respondent No.2 on 31.01.2020 and it was also intimated to the State Government. Thereafter, permission was sought to forward the communication regarding demolition of the existing building and to reconstruct a new building in the same style. The Principal Secretary, Urban Department, sent a letter dated 30.05.2020 to the Commissioner, Mysuru City Corporation intimating to discuss the subject with the Executive Engineer (Technical Division), Urban Development and submit a suitable proposal to the Government through the Director of Municipal Administration. As per the instructions of the State Government, a letter dated



11.11.2020 was sent to the Director, Municipal Administration requesting for approval to demolish Devaraja Market, to get the SBC of the soil tested and to reconstruct a new market as per the existing style.

20. The Director of Municipal Administration, Bengaluru, vide letter dated 20.05.2021, sought for information from the Legal Section as to whether any litigation is pending in this Court and if any orders are passed. Accordingly, the information was obtained vide letter dated 28.05.2019 from the Legal Section sent to the Director, Municipal Administration, Bengaluru. It was informed that the recommendation dated 10.12.2019 of the Special Heritage Committee and the resolution dated 30.01.2020 are challenged in W.P.No.15215/2020 and an interim order has been passed.

21. The document at Annexure-3 reveals some important material facts regarding the sequence of events



under the caption 'Note regarding various committee constituted and its recommendation about Lansdowne Building', in brief. This note gives us the details regarding the profile of the Structural Engineer-Dr.Syed Shakeeb-Ur-Rahman, as directed in our order dated 24.05.2023. A perusal of the profile indicates that Dr.Syed Shakeeb-Ur-Rahman is having various academic qualifications to his credit namely, he obtained B.E. Degree at University of Mysore in Civil Engineering in the year, 1973, M.E Degree at IIT Madras in Structural Engineering in the year 1979 and Ph.D at IIT Madras in Structural Engineering in the year 1989. He has also worked in various capacities in Sri Jayachamarajendra College of Engineering, Mysuru as Honorary Professor, Principal, Vice Principal, Dean (Academics), Professor and Head, Professor, Assistant Professor and as Lecturer. The profile further indicates that Dr.Syed Shakeeb-Ur-Rahman is a member of various renowned institutes and is a Fellow of Institute of



Engineers, India, Calcutta, Member of American Concrete Institute (ACI) Framington Hills, Detroit, USA, Member of American Society of Civil Engineers (ASCE), Baltimore, USA, Life Member of Indian Society for Technical Education (ISTE), New Delhi, Member of Association of Consulting Civil Engineers (ACCE), India and Member of Executive Committee, Institution of Engineers (India), Mysuru. The profile also indicates that Dr.Syed Shakeeb-Ur-Rahman is also a Member of Panel of Experts, AICTE, New Delhi, Member-Board of Studies in Civil Engineering, NITK, Surathkal, Member of Board of Studies in Civil Engineering, Kuvempu University, Shimoga, Member, Board of Studies in Civil Engineering, University Visveswaraiah College of Engineering, Bengaluru, Member-Karnataka Science and Technology Academy, Bengaluru, Member-Governing Council, MSRIT, Bengaluru, Member-Governing Council, KNS College of Engineering, Bengaluru, Member-Governing Council, PDA College of Engineering,



Gulbarga, Member-Governing Council, Global Academy, Bengaluru, Member-Governing Council, Cambridge Institute of Technology, Bengaluru, Member-Governing Council, ATME College of Engineering, Mysuru and Member Secretary-Governing Council, SJCE, Mysuru.

22. Though the learned counsel for the petitioners made an attempt to submit that Dr.Syed Shakeeb-Ur-Rahman may have certain academic qualifications to his credit including a Ph.D, he may not satisfy the requirements under the Zonal Regulations (Amendment), 2020 that Structural Engineer should be one of the members of the Heritage Conservation Committee and the pre-requisite qualification is to have experience of at least ten years in the field and membership of the Institute of Engineers. She further submits that there is nothing on record to show that Dr.Syed Shakeeb-Ur-Rahman has experience of ten years in the field.



23. We are unable to accept this submission for the reason that only experience of ten years will not amount to expertise in the field. As referred above, Dr.Syed Shakeeb-Ur-Rahman is possessing Degree of Ph.D at IIT Madras in Structural Engineering. He has worked in Sri Jayachamarajendra College of Engineering, Mysuru in various capacities right from the years 1973 to 2014 and now, he is providing his services to the said academic institute as an Honorary Professor. His profile also shows that the institutes in which he is a member are reputed institutes and majority of them are Governing Councils. He is also a member and panel of experts in one of the renowned institutes in the country namely, All India Council for Technical Education (AICTE). Therefore, it cannot be said that Dr.Syed Shakeeb-Ur-Rahman lacks any experience and as such, he is not an expert in the field.



24. The other submission of the learned counsel for the petitioners is that the Task Force Committee and the Special Heritage Committee reports of the years 2018 and 2019 are not of Heritage Conservation Committee which is constituted pursuant to the orders of this Court and therefore, no significance can be attached. We are unable to accept the above submission for the reason that the Task Force Committee and Special Heritage Committee were constituted by the Deputy Commissioner prior to the orders of this Court with an object that there has to be adequate representation of experts in the field.

25. At the cost of repetition, we state that the members of the Task Force Committee and the Special Heritage Committee are experts in the field such as, Historians, Academicians, Civil Engineers and the persons from Architect field. It is nobody's case that the Deputy Commissioner had not authority to constitute such committee or he has some *mala fide* intention while



constituting these committees. These committees were constituted for getting expert opinion in the field who undertook the exercise of spot inspection of Devaraja Market and collected necessary material and thereafter, opined that it will not be advisable to reconstruct the building and the only course open is to demolish the building.

26. It is settled law that when it comes to an issue of consideration of experts' view/opinion, courts of law should be circumspect in showing indulgence, as the Courts do not possess the expertise.

27. Considering all the above aspects and also the fact that a portion of Devaraja Market building was collapsed while carrying on restoration activity and the probable danger to market, we are of the opinion that this Court cannot sit as an appellate body in writ jurisdiction to set aside the opinion of the experts. The writ petition,



being devoid of any merits, deserves to be dismissed.
Accordingly, the same is dismissed. .

In view of the dismissal of the writ petition, pending interlocutory applications, if any, do not survive for consideration and the same are accordingly disposed of.

**Sd/-
CHIEF JUSTICE**

**Sd/-
JUDGE**