SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com

Raghavan and Another Vs. State Of Karnataka and Others

Raghavan and Another Vs. State Of Karnataka and Others

SooperKanoon Citation : sooperkanoon.com/1173579

Court : Karnataka

Decided On : Aug-02-2014

Judge : A.S. Bopanna

Appeal No. : Writ Petition No.5953 of 2014 c/w Writ Petition No.46920 of 2013 (LA-RES)

Appellant : Raghavan and Another

Respondent : State Of Karnataka and Others

Judgement :

(Prayer: This Writ Petition Is Filed Under Articles 226 And 227 Of The Constitution Of India Praying To Quash The Impugned Order Dt.12.4.2013 Issued By R-2 Whereby The Agricultural Lands Of The Petitioner Have Been Sought To Be Acquired For The Purpose Of Forming Wet-Well And Water Purification System, Vide Annx-A.

This Writ Petition Is Filed Under Articles 226 And 227 Of The Constitution Of India Praying To Quash Notification Dtd. 12.4.2013 Issued By The R-2 Whereby The Agricultural Lands Belonging To Petitioner Sought To Be Acquired For The Purpose Of Forming Drainage And Water Purification System Within The Jurisdiction Of Ullala Town Municipality Vide Annx-A.)

1. The petitioners in both these petitions are before this Court assailing the notification dated 12.04.2013 issued by the second respondent. The petitioners

are also seeking that the respondents be directed to drop the acquisition proceedings in respect of the land belonging to the petitioners.

2. The petitioner in W.P.No.5953/2014 claims to be the owner of the property bearing Sy.No.58/2P1 situate at Permannur Village, Mangalore 'D' Hobli, Mangalore Taluk, Dakshina Kannada District. The petitioner in W.P.No.46920/2013 claims to be owner of the property bearing Sy.Nos.107-11, 107-12AP1, 107-AP2, 107-12AP3, 107-12AP4 and 107-12B situate at Ullala Village, Mangalore Hobli, Mangalore Taluk.

3. At the outset, it is necessary to notice that the notification dated 12.04.2013 impugned in these writ petitions is the preliminary notification issued under Section 4(1) of the Land Acquisition Act. Hence, the respondents have at the outset raised a contention that the petitions are premature. The petitioners however contend that a communication dated 12.05.2014 was addressed to the Deputy Commissioner stating therein that the fourth respondent was not desirous of proceeding further with the project and the land in question was not required.

4. The learned Government Advocate as also the learned counsel for the fourth respondent have filed their objection statement. Though all contentions urged in the writ petitions has also been adverted in the objection statement, keeping in view the fact that this Court at this juncture would have to notice as to whether the petitions are premature or not, the contention in that regard is noticed. In this direction, the objections filed by the respondents would indicate that they intend to proceed further with the project and the respondents No.1 to 3 have more specifically stated that the communication addressed to the Deputy Commissioner is not acceptable and the proceedings are to be continued.

5. If that be the position, though the learned counsel for the petitioners contend that the land is not suitable and also that there are other Government lands available for the said purpose, it is not necessary for this Court to go into those aspects at this juncture, since all such contentions would be available to the petitioners to be urged in Section 5 (a) enquiry, wherein the contentions would be adverted to by the Land Acquisition Officer and an appropriate decision would be taken. It is only if the objections are not considered in accordance with law and if a

grievance arises thereafter, the petitioners can raise such issues in the appropriate judicial proceedings.

6. Hence, leaving open all contentions and reserving liberty to the petitioners to putforth all contentions including the contentions urged in these writ petitions in the Section 5 (a) enquiry, these writ petitions stand disposed of.

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com