

Basappa and Ors vs the Secretary and Ors

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Court : Karnataka Orders

Decided On : Apr-28-2025

Judge : Chillakur Sumalatha

Appeal No. : WP/200254/2025

Appellant : Basappa and Ors

Respondent : The Secretary and Ors

Judgement :

-1- IN THE HIGH COURT OF KARNATAKA, KALABURAGI BENCH
DATED THIS THE 28TH DAY OF APRIL, 2025 BEFORE THE HON'BLE
DR. JUSTICE CHILLAKUR SUMALATHA WRIT PETITION NO.200254
OF 2025 (LA-RES) BETWEEN:

1. BASAPPA S/O KASHEPPA PULARI, AGED ABOUT 73 YEARS,
2. SHARANAPPA S/O KASHEPPA, AGED ABOUT 75 YEARS,
3. CHANDRAKALA W/O. SHIVARAJAPPA, AGED ABOUT 70 YEARS,
OCC: HOUSEHOLD,
4. VIDYAVATI

Digitally signed W/O. SANGMESHWAR, by VARSHA N AGED ABOUT 55 YEARS, RASALKAR OCC: HOUSEHOLD, Location: HIGH COURT OF KARNATAKA 5. BALIRAM S/O. SHIVARAM, AGED ABOUT 65 YEARS, ALL ARE R/O TEGAMPUR VILLAGE, TQ: BHALKI, DIST: BIDAR - 585 401. PETITIONERS (BY SMT. VEERANI V. NANDI ADVOCATE FOR SRI. RAVI B. PATIL, ADVOCATE) -2- AND:

1. THE SECRETARY TO , GOVT. OF KARNATAKA, DEPARTMENT OF WATER RESOURCES, (MI), VIKAS SOUDHA, II FLOOR, ROOM NO. 203, DR. AMBEDKAR VEEDHI, BENGALURU - 560 001.

2. THE DEPUTY COMMISSIONER BIDAR, D.C. OFFICE, BIDAR - 585 401.

3. THE ASSISTANT COMMISSIONER, SPECIAL LAND ACQUISITION OFFICER, KARANJA PROJECT, BIDAR, D.C. OFFICE, BIDAR - 585 401.

4. THE CHIEF ENGINEER, MINOR IRRIGATION DEPARTMENT, BIDAR - 585 410. RESPONDENTS (BY SRI. MALLIKARJUN SAHUKAR, AGA) THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF

THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT OF MANDAMUS DIRECTING THE RESPONDENT NO.1 & 2 TO CONSIDER THE REPRESENTATIONS OF THE PETITIONERS AS AT ANNEXURE-D & D1 SERIES, DATED:18.10.2023 & 31.10.2023 AS PER THE ACQUISITION PROCEEDINGS WITHIN SUCH STIPULATED TIME AS THIS HONOURABLE COURT DEEMS FIT IN THE CIRCUMSTANCES OF THE CASE.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING B GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER: -3- CORAM: HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

ORAL ORDER

(PER: HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA) Heard Miss Veerani V.Nandi, learned counsel for the petitioners as well as learned Additional Government Advocate who represents the respondents.

2. This writ petition is filed seeking the Court to direct respondent Nos.1 and 2 to consider the representations of the petitioners dated 18.10.2023 and 31.10.2023 and to pass appropriate orders.

3. Learned counsel for the petitioners submits that

the lands of the petitioners were acquired by the Government for construction of Tegampur Parculation Tank. 4(1) Notification was issued in the year 2013 and Award was passed in the year 2015. Respondent No.2 approved the acquisition proceedings and directed the concerned to disburse the compensation to the land losers. However, the petitioners did not receive compensation till -4- now. Even the representations given by the petitioners are kept pending since 2023.

4. Learned Additional Government Advocate states that due to non-availability of the funds, compensation could not be paid.

5. There is no denial of the fact that the lands

were acquired 10 years ago and till now the petitioners are waiting for compensation. Also no reasons are stated as to why atleast reply was not given to the representations of the petitioners.

6. Having considered these facts, this Court is of

the view of that this writ petition is required to be allowed. Thus, the writ petition is disposed of with the following directions :- i) Respondent Nos.1 and 2 are directed to consider the representations dated 18.10.2023 and 31.10.2023 and pass necessary orders within a period of three -5- weeks from the date of receipt of certified copy of this order. ii) The decision taken with regard to the subject matter be communicated to the petitioners immediately. iii) In case, it is found that the petitioners are eligible to receive compensation, the same be disbursed within three months from the date of receipt of certified copy of this order. Sd/- (Dr.CHILLAKUR SUMALATHA) JUDGE SN List No.: 1 SI No.: 56 CT:NI