

B M Narayanappa vs the State of Karnataka

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Court : Karnataka Orders

Decided On : Dec-19-2024

Judge : M.I.Arun

Appeal No. : WP/17314/2016

Appellant : B M Narayanappa

Respondent : The State of Karnataka

Judgement :

-1-

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF DECEMBER, 2024 BEFORE THE
HON'BLE MR JUSTICE M.I.ARUN WRIT PETITION NO. 17314 OF 2016
(LA-KHB) BETWEEN:

1. B.M.NARAYANAPPA, AGED ABOUT 73 YEAWRS, S/O LATE
MUNIVENKATAPPA R/OF BOMMANDAHALLI VILLAGE, JIGANI
HOBLI, ANEKAL TALUK, BANGALORE DISTRICT-560 106.
PETITIONER (BY SRI. C.M.NAGABUSHANA, ADVOCATE) AND:

1. THE STATE OF KARNATAKA,

Digitally REVENUE DEPARTMENT, signed by H VIKASA SOUDHA, K HEMA Location: DR. AMBEDKAR VEEDHI, High Court BANGALORE-560 001. of Karnataka REP. BY ITS PRINCIPAL SECRETARY.

2. THE KARNATAKA HOUSING BOARD, CAUVERY BHAVAN, KEMPEGOWDA ROAD, BANGALORE-560 099.

3. THE SPECIAL LAND ACQUISITION OFFICER, THE KARNATAKA HOUSING BOARD, CAUVERY BHAVAN, KEMPEGOWDA ROAD, BANGALORE-560 009. -2-

4. THE DEPUTY CONSERVATOR OF FOREST, BANNERGHATTA NATIONAL PARK, BANNERGHATTA, ANEKAL TALUK, BANGALORE DISTRICT-560 083.

5. THE ASST. DIRECTOR OF LAND

RECORDS AND SURVEY SETTLEMENT, ANEKAL TALUK, ANEKAL. RESPONDENTS (BY SMT. B.P.RADHA, AGA FOR R1, R4 AND R5; SRI. S.N.ASHWATHNARAYANA, SR.ADVOCATE FOR SRI. S.A.SUDHINDRA, ADVOCATE FOR R2 & R3) THIS PETITION IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH

PRELIMINARY NOTIFICATION BEARING NO.KHB:LAQ.B/SN4(KB)/16/2013-14 DATED 19.10.2013 GAZETTED ON 14.11.2013, ISSUED UNDER SECTION 4[1] OF THE LAND ACQUISITION ACT BY RESPONDENT NO.2 VIDE ANNEXURE-A AND THE FINAL NOTIFICATION BEARING NO.RD:47:LAQ BANGALORE 2015 DATED 12.03.2015 GAZETTED ON 02.04.2015 UNDER SECTION 6[1] OF THE LAND ACQUISITION ACT, BY RESPONDENT NO.1 VIDE ANNEXURE-B AND ETC. THIS PETITION COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THROUGH PHYSICAL HEARING/VIDEO CONFERENCING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER: CORAM: HON'BLE MR JUSTICE M.I.ARUN -3-

ORAL ORDER

1. The dispute pertains to acquisition of following lands for the purposes of respondent No.2-Karnataka Housing Board (for short 'KHB'): SCHEDULE

1. Converted land measuring 02 Acres 34 Guntas

in the land bearing Sy.No.66/3, situated at Taluk, Bangalore District, VP Khata No.232/66/3, e-Khata No.150200100-0112006 consisting of Factory building and other sheds.

2. An extent of land measuring 15 Guntas, in the land bearing Sy.No.68-P21, situated at Taluk, Bangalore District.

3. An extent of land measuring 14 Guntas, in the land bearing Sy.No.96/1, situated at Taluk, Bangalore District.

2. With regard to land mentioned at Sl.No.1 above

measuring 2 acres 34 guntas, the land has been converted -4- for industrial purposes. However, construction on the property has been made subsequent to issuance of preliminary notification.

3. Nevertheless, learned counsel for the KHB upon

instructions submits that under similar circumstances, this Court had issued certain directions in W.P.No.13603/2014 which was based on certain resolutions passed by the KHB under the facts and circumstances of the said case and the present case will also be treated accordingly and submits that instant writ petition may be disposed of under terms of the order passed in W.P.No.13603/2014 insofar as it relates to 2 acres 34 guntas of land.

4. Learned counsel for the petitioner has no objections for the same.

5. In respect of remaining land, learned counsel for

petitioner upon instructions submits that the parties are willing to accept the compensation in terms of developed land in lieu of monetary compensation as per the policy of -5- KHB and are ready and willing for the property be acquired for the purposes of KHB.

6. Learned Senior Counsel for the KHB submits that if a representation is given by the petitioner, the same would be considered as per the policy applicable.

7. Their submissions are placed on record.

8. Hence, the following:

ORDER

i) Respondents are directed to consider the case of 2 acres 34 guntas of land in Sy.No.66/3 (Item No.1 of the Schedule), which is converted for industrial purposes in terms of the order passed by this Court in W.P.No.13603/2014 and pass suitable orders after collecting the developmental and other charges in accordance with law; ii) With respect to 15 guntas of land in Sy.No.68/P21 and 14 guntas of land in -6- Sy.No.96/1 situated at Bommandahalli Village, Jigani Hobli, Anekal Taluk, Bangalore District belonging to the petitioner (Item Nos.2 and 3 of the Schedule), petitioner is given liberty to submit a representation requesting grant of compensation by way of developed sites in lieu of monetary compensation as per the policy applicable; iii) Upon receipt of such representation, respondent No.2 shall consider the same in accordance with law and pass appropriate orders; iv) Respondent No.2 is at liberty to proceed with the acquisition of the said land in accordance with law; v) The writ petition is disposed of accordingly. Sd/- (M.I.ARUN) JUDGE PGG

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