

Smt. Anitha vs the State of Karnataka

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Court : Karnataka Orders

Decided On : Jul-29-2024

Judge : M.I.Arun

Appeal No. : WP/8979/2024

Appellant : Smt. Anitha

Respondent : The State of Karnataka

Judgement :

-1-

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF JULY, 2024 BEFORE THE HON'BLE
MR JUSTICE M.I.ARUN WRIT PETITION NO. 8979 OF 2024 (LA-
KIADB) BETWEEN:

1. SMT. ANITHA, D/O SUVARNAMMA, W/O RAJASHEKAR, AGED
ABOUT 50 YEARS, R/A MADHAPURA VILLAGE, M M A KAVAL,
CHELUR HOBLI, GUBBI TALUK AND TUMAKURU DIST. PIN CODE -
572 216.

2. SMT. GEETHA M, D/O SUVARNAMMA, W/O GANGADHAR, AGED ABOUT 43 YEARS,

Digitally R/A SATYAMANGALA VILLAGE Signed by
High Court of Karnataka

3. SMT. GAYATHRI, W/O VEERABHADRAIAH, AGED ABOUT 64 YEARS, R/A PEENYA DASARAHALLI, BENGALURU. PIN CODE - 560 058. -2-

4. SMT. ANASUYA, W/O LATE NANJUNDAPPA, AGED ABOUT 58 YEARS, R/A SRI. SEEBINARASIMHASWAMY NILAYA, ANJANADRI EXTENSION, BHEEMASANDRA, TUMAKURU. PIN CODE - 572 107.

5. SMT. ANNAPURNA, W/O RAJKUMAR, AGED ABOUT 53 YEARS, R/A HONNUDIKE VILLAGE, GULUR HOBLI, TUMAKURU TALUK AND DIST. PIN CODE - 572 122.

6. SMT. SUKANYAKUMARI, W/O NATARAJU, AGED ABOUT 50 YEARS, R/A ANTHARASANAHALI VILLAGE, TUMAKURU KASABA, TUMAKURU CITY PIN CODE - 572 106. PETITIONERS (BY SRI. ADAVEESHAIAH B, ADVOCATE) AND:

1. THE STATE OF KARNATAKA, DEPARTMENT OF INDUSTRIES AND COMMERCE, GROUND FLOOR, VIKASA SOUDHA, BENGALURU - 560 001, REP. BY ITS PRL SECRETARY TO THE GOVERNMENT. -3-

2. KARNATAKA INDUSTRIAL AREA DEVELOPMENT BOARD, KHANIJA BHAVAN, RACE COURSE ROAD, NEAR BASAVESWARA CIRCLE, BENGALURU - 560 001, REPRESENTED BY ITS CHIEF EXECUTIVE OFFICER.

3. THE SPECIAL LAND ACQUISITION OFFICER, KIADB, B.H. ROAD, NEAR S I T COLLEGE, TUMAKURU - 572 103.

4. SMT. GANGAMMA, D/O G. GANGANNA, W/O LATE VEERABHADRAIAH, AGED ABOUT 76 YEARS, R/A K. PALASANDRA VILLAGE, GULUR HOBLI, TUMAKURU TALUK AND DIST PIN CODE- 572138.

5. SRI. UMAMAHESHAIAH, AGED ABOUT 74 YEARS, R/A KOTTANAHALLI VILLAGE, BELLAVI HOBLI, TUMAKURU TALUK AND DIST. PIN CODE - 572 107.

6. SMT. SUMANGALAMMA, D/O G. GANGANNA, W/O A. SIDDAIAH, AGED ABOUT 72 YEARS, "AMBALA" KRISHNANAGAR, 2ND CROSS, SIT EXTENSION, TUMAKURU CITY -4- PIN CODE - 572 102.

7. SRI. K. RAGHU, S/O LATE KANTHARAJU, AGED ABOUT 30 YEARS,

8. SMT. UMADEVI, D/O G. GANGANNA, W/O NAGARAJU, AGED ABOUT 68 YEARS, R/A KURUBARAHALLI VILLAGE, DODDABALLAPURA TALUK, BENGALURU RURAL DIST. PIN CODE - 561 203.

9. SRI. GIRIRAJU, AGED ABOUT 66 YEARS, R/A HOUSE NO. 4, 4TH E, 1ST CROSS, MARUTI MANDIRA ROAD, VRUSHABHAVATI NAGARA, KAMAKSHI PALYA, BENGALURU - 79.

10. SRI. VISWANATH, AGED ABOUT 63 YEARS, R/A SRI SEEBINARASIMHASWAMY NILAYA, ANJANADRI EXTENSION, BHEEMASANDRA, TUMAKURU CITY. PIN CODE - 572 107.

11. SRI. JAYAPRAKASH, AGED ABOUT 68 YEARS, -5-

12. SRI. G. SURESH, AGED ABOUT 54 YEARS, RESPONDENTS NO.7, 11 AND 12 ARE R/A KODIHALLI VILLAGE, KORA HOBLI, TUMAKURU TALUK AND DIST PIN CODE - 572 128. RESPONDENTS (BY SRI. YOGESH D. NAIK, AGA FOR R1; SRI. P.V.

CHANDRASHEKAR, ADVOCATE FOR R2 AND R3; VIDE ORDER DATED 29.07.2024, NOTICE TO R4 TO R12 DISPENSED WITH.,) THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF

THE CONSTITUTION OF INDIA PRAYING TO QUASHING THE GENERAL AWARD NO. SLAO/KIADB/TU/COM NO. 26887/202122 DATED 1.10.2021 U/S 11 OF THE LAND ACQUISITION ACT 1894 PASSED BY THE R-3 WITH RESPECT TO LAND FOR AN EXTENT OF 0-31 GUNTAS IN SYN O. 14/1 OF KODIHALLI VILLAGE KORA HOBLI TUMAKURU TALUK AN DIST ANNEX-E AND ETC., THIS PETITION, COMING ON FOR ORDERS THROUGH VIDEO CONFERENCING / PHYSICAL HEARING, THIS DAY,

ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR JUSTICE M.I.ARUN -6-

ORAL ORDER

1. The case of the petitioners is that their land in

Survey No.14/1, measuring 0-31 Guntas of Kodihalli Village Kora Hobli, Tumakuru Taluk and District, was acquired for the purpose of respondent No.2-Karnataka Industrial Areas Development Board (KIADB). However, respondent No.3 has passed a general award and deposited the compensation in the Reference Court. They pray that consent award be passed in respect of the said land.

2. The learned counsel appearing for respondent Nos.1

to 3 submit that they have no objection to pass a consent award provided the petitioners produces all the relevant documents to show that they are the owners of the property.

3. Under similar circumstances, this Court in umpteen

number of cases has permitted the land losers to claim -7- compensation as per the consent award upon establishing the fact that they are the owners of the property. There is no reason why a similar order should not be passed in the instant case also.

4. Hence, the following:

ORDER

(i) The impugned general award dated 31.05.2021 at Annexure-E to the writ petition insofar as the land of the petitioners, which is the subject matter of the instant writ petition, is set aside;

(ii) The respondent/Special Land Acquisition Officer

of the KIADB is directed to consider the request of the petitioners for award of compensation by way of an agreement under Section 29(2) of the Karnataka Industrial Areas Development Act, 1966 and pass necessary orders within a period of three months from the date of receipt of copy of this order; -8-

(iii) The respondent/Special Land Acquisition Officer, KIADB, is at liberty to withdraw the amount that has been deposited by it pursuant to the general award before the jurisdictional Court;

(iv) It is needless to state that, in the event the

petitioners failing to provide necessary documents to establish their ownership over the land concerned or if there is a dispute as to ownership, the general award would stand restored;

(v) The writ petition stands disposed of accordingly. Sd/- (M.I.ARUN) JUDGE CH
List No.: 1 SI No.: 8 CT: BHK

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