

Mahadeva vs State of Karnataka

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Court : Karnataka Orders

Decided On : Jul-31-2024

Judge : M.I.Arun

Appeal No. : WP/12908/2024

Appellant : Mahadeva

Respondent : State of Karnataka

Judgement :

-1-

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 31ST DAY OF JULY, 2024 BEFORE THE HON'BLE
MR JUSTICE M.I.ARUN WRIT PETITION NO.12908 OF 2024 (LA-UDA)
BETWEEN:

1. MAHADEVA S/O KARIGOWDA, AGED ABOUT 53 YEARS, R/AT
BELOW MENTIONED ADDRESS JAYAPURA HOBLI, BEERI HUNDI,
MYSORE, KARNATAKA-570 026. PETITIONER (BY SMT. KUSUMA M.,
ADVOCATE) AND:

1. STATE OF KARNATAKA REPRESENTED BY ITS SECRETARY,
DEPARTMENT OF HOUSE AND URBAN, M.S. BUILDING, Digitally
signed by H BANGALORE-560 001. K HEMA

Location: 2. MYSORE URBAN DEVELOPMENT AUTHORITY High Co
BY ITS COMMISSIONER.

3. SPECIAL LAND ACQUISITION OFFICER MYSORE URBAN
DEVELOPMENT AUTHORITY, JHANSI LAKSHMI BAI ROAD,
MYSORE-570 005. RESPONDENTS (BY SRI YOGESH D. NAIK, AGA
FOR R.1; SRI G.B. SHANATH GOWDA, ADVOCATE FOR R.2 AND
R.3.) -2- THIS PETITION IS FILED UNDER ARTICLES 226 & 227 OF

THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT OF
CERTIORARI OR ANY OTHER SIMILAR WRIT OR ORDER OR
DIRECTION, QUASHING PRELIMINARY NOTIFICATION DATED
28.06.2016, BEARING NO.LAQ(1)BA/1/2016-17 ISSUED BY THE
RESPONDENT NO.2 AUTHORITY AT ANNEXURE-A TO THE WRIT
PETITION IN SO FAR AS SCHEDULE PROPERTY BELONGING TO
THE PETITIONER IS CONCERNED, ETC. THIS PETITION COMING
ON FOR ORDERS, THROUGH

PHYSICAL HEARING/VIDEO CONFERENCING THIS DAY, ORDER

WAS MADE THEREIN AS UNDER: CORAM: HON'BLE MR JUSTICE M.I.ARUN

ORAL ORDER

1. The case of the petitioner is that the land measuring to

an extent of 0.20 guntas in Sy.No.132/2 of Ballahalli Village, Jayapura Hobli,
Mysore Taluk was sought to be acquired for the purposes of second respondent -
Mysore Urban Development Authority (MUDA) and a preliminary notification dated
28.06.2016 was issued. However, no further proceedings have taken place
subsequent to issuance of preliminary notification and acquisition has been

abandoned. It is further submitted that this Court in W.P.No.19457/2023 in respect of the same -3- notification has set aside the order of acquisition in respect of the land of the petitioner in the said writ petition. It is prayed that a similar order be passed in the instant writ petition also.

2. Learned counsel for the respondents fairly submits that a similar order may be passed in the instant writ petition also.

3. Admittedly, the land of the petitioner was sought to be

acquired way back in the year 2016 by issuance of a preliminary notification. Thereafter, no further proceedings have taken place. Acquisition has to be completed within a reasonable period failing which, it is liable to be set aside. The delay in the instant case cannot be considered reasonable. Further, there is no reason why the order passed in W.P.No.19457/2023 should not enure to the benefit of the petitioner. Hence, the following:

ORDER

i. The writ petition is allowed. ii. The preliminary notification dated 28.06.2016 bearing No.JJP(1)/1/2016-17 issued by second respondent vide Annexure-'A' to the writ petition insofar as it relates to the land of the petitioner which -4- is the subject matter of the writ petition is hereby set aside. iii. Pending interlocutory applications, if any, stand disposed of. Sd/- (M.I.ARUN) JUDGE VMB List No.: 1 Sl No.: 57

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