

Honnamma and Others Vs. State of Karnataka and Others

Honnamma and Others Vs. State of Karnataka and Others

SooperKanoon Citation : sooperkanoon.com/934652

Court : Karnataka

Decided On : Feb-28-2012

Judge : Mohan Shantanagoudar

Appeal No. : Writ Petition Nos. 33734 to 33738 of 2011 (LA-RES)

Appellant : Honnamma and Others

Respondent : State of Karnataka and Others

Advocate for Pet/Ap. : For the Petitioners: G.M. Sharath Kumar for M. Vinayakeerthy, Advocates. For the Respondents: K. Krishna, Government Advocate, Smt. Ramya H. for M.R.C. Ravi, Advocates.

Judgement :

1. It is the case of the petitioners that certain of the lands are acquired by respondent 4 for the purpose of rehabilitating the displaced persons in Bhadra Project. The lands of the petitioners and other villagers of Karekatte Village were taken over by the Government under acquisition proceedings. According to the petitioners, the Government had taken possession of 13 acres 36 guntas belonging to the petitioners i.e. 3 acres 21 guntas in Survey No. 58/1P1 belonging to the first petitioner, 3 acres 19 guntas in Survey No. 56/1 belonging to the second petitioner, 3 acres 21 guntas in Survey No. 56/2 belonging to the third petitioner, 1 acre 22 acre guntas in Survey No. 57/1P2 belonging to the fourth petitioner and 1 acre 33 guntas in Survey No. 57/1P1 belonging to the fifth

petitioner. However, the final notification came to be issued under Section 6(1) of the Land Acquisition Act, 1894 on 20th July, 2009 acquiring 30 acres 1 gunta instead of 41 acres 1 gunta. Thus, the petitioners have made representation to issue acquisition notification in respect of remaining area of 11 acres also and to pay the compensation. Since the same is not considered, these writ petitions are filed.

2. This is not a public interest litigation. The petitioners cannot represent other land losers. Be that as it may, if respondent 4 had acquired more area of land belonging to the petitioners than shown in the final notification, then, they will have to be paid compensation in respect of such excess land of which possession is taken. It is for the respondents to verify based on fact situation. After getting the land, which is taken possession of by the respondent, duly surveyed by the jurisdictional authorities, necessary decision has to be taken. Since the representation filed by the petitioners is to be considered by the respondents, more particularly by the 4th respondent (i.e., the acquiring authority), this Court does not wish to comment anything more on the merits of the matter.

3. Suffice it to direct the respondents, more particularly the 4th respondent, to conduct survey of the lands acquired and verify as to whether the lands of the petitioners are acquired in excess of the area shown in the final notification and thereafter action shall be taken in accordance with law. The representation vide Annexure-F filed by the petitioners in that behalf shall be considered as per law and in the light of the observations made above.

Writ petitions are disposed of accordingly.

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