IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF OCTOBER, 2024

PRESENT

THE HON'BLE MRS. JUSTICE K.S.MUDAGAL

AND

THE HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

REVIEW PETITION NO.367/2023

BETWEEN:

SRI. K.H. BOMMALINGAIAH
S/O LATE HONNAPPA
AGED ABOUT 53 YEARS.

NOW DEAD BY LR'S
SRI. RENUKAPRASAD .B
ALREADY ON RECORD AS
PETITIONER NO.2.

Digitally signed by RUPA V
Location: HIGH COURT OF KARNATAKA

SRI. RENUKAPRASAD .B
S/O LATE K.H. BOMMALINGAIAH
AGED ABOUT 53 YEARS
R/A NO.3318/A, 5TH CROSS, 2ND MAIN
GAYATHRINAGAR, BENGALURU-560021.

...PETITIONER

(BY SRI. R.P. SOMASHEKHARAIAH, ADV.,)

AND:

1. THE STATE OF KARNATAKA
   DEPARTMENT OF INDUSTRIES AND COMMERCE
   GROUND FLOOR, VIKASA SOUDHA
   BENGALURU-560001
   REP. BY ITS PRINCIPAL SECRETARY
   TO THE GOVERNMENT.

2. KARNATAKA INDUSTRIAL AREA
   DEVELOPMENT BOARD
   NO.45, 4TH AND 5TH FLOORS
   KHANIJA BHAVANA
   RACE COURSE ROAD
   BENGALURU-560001
   REP. BY ITS CHIEF EXECUTIVE OFFICER.

3. THE SPECIAL LAO
KIADB NIMZ, N.H.206
NEAR SIT MAIN GATE
BATAWADI
TUMKURU-572103.

…RESPONDENTS

(BY SRI. MANJUNATH B, AGA FOR R1
SRI. ASHOK N. NAIK, ADV., FOR R2 & R3)

THIS REVIEW PETITION IS FILED UNDER ORDER 47 RULE 1 OF CPC, PRAYING TO REVIEW THE ORDER DATED 14/02/2023 IN WRIT APPEAL NO.1165/2021 AND ALLOW THE WRIT APPEAL, IN THE INTEREST OF JUSTICE AND EQUITY.

THIS REVIEW PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MRS. JUSTICE K.S. MUDAGAL
and
HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

ORAL ORDER

(PER: HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL)

This review petition is filed seeking to review the judgment dated 14.02.2023 passed in W.A.No.1165/2021 wherein the coordinate bench of this Court has dismissed the said appeal.

2. Sri.R.P.Somashekaraiah, learned counsel appearing for the review petitioner submits that though several facts and grounds are pleaded he is seeking review of the judgment dated 14.02.2023 only on two grounds, firstly that the

coordinate bench has not considered the fact that the respondent authorities have acquired excess land which is not required for the establishment of 220 KV line by KPTCL and remaining land ought to have been ordered for return to the petitioner. The second ground is that subsequently the respondent authorities have issued notification dated 27.11.2023 inviting the applications for allotment of the same land to other entrepreneurs, and they ought to have allotted the said land to the petitioners. Hence, he seeks to review the judgment dated 14.02.2023.

3. Sri.Ashok N.Naik, learned counsel for respondent Nos.2 & 3 and learned Additional Government Advocate for respondent No.1 submit that in the order under review at para No.5 has clearly recorded the finding that the acquisition is not only for establishment or setting up of KPTCL-220 KV high tension line but also for the purpose of road widening and the land is also required for the purpose of contiguity of industrial area viz., Japanese Industrial Township. Hence, they submit that there is no error apparent on the face of the record to call for interference in the present review petition.

4. We have heard the arguments of learned counsel for the parties and meticulously perused the material available on record.

5. Insofar as the first contention of the petitioner that he is entitled for return of excess land is concerned, the order under review at para No.5 has clearly dealt with the said issue and recorded the finding that the land held by the appellant/review petitioner is not only required for setting up of KPTCL-22 KV high tension line but also for the purpose of road widening and to complete the compactness and contiguity of industrial area viz., Japanese Industrial Township. In view of the clear finding of the coordinate bench in the judgment dated 14.02.2023, the order sought to be revived does not find any error or there is no merit in the contention urged by the learned counsel for the review petitioner.

6. Insofar as the second contention is concerned, the petitioner has now filed the application for production of additional documents and along with the said application he produced notification dated 27.11.2023 wherein the KIADB has issued notification inviting applications of the entrepreneurs of

all categories for allotment of the industrial plots. It is always open for the petitioner to make an application if he is eligible. The inviting of applications by the KIADB for allotment of industrial plots has nothing to do with the entitlement of return of land of the petitioner nor has any bearing on the present *lis.* The petitioner cannot contend that his land in the acquisition be left out from the acquisition proceedings or the same land be allotted to him. This ground of the petitioner was neither pleaded nor argued before the Court while deciding the writ appeal. Hence, on this ground also we do not find any merit in the contention urged by the learned counsel for the petitioner. We do not find any error apparent on the face of the record calling for interference in the impugned order dated 14.02.2023, accordingly the review petition is dismissed. Consequently, pending applications stand rejected.

No order as to costs.

Sd/-
(K.S.MUDAGAL)
JUDGE

Sd/-
(VIJAYKUMAR A. PATIL)
JUDGE

BSR/List No.: 1 Sl No.: 14