IN THE HIGH COURT OF KARNATAKA, DHARWAD BENCH

DATED THIS THE 30TH DAY OF AUGUST, 2023

PRESENT

THE HON'BLE MR JUSTICE S.R. KRISHNA KUMAR

AND

THE HON'BLE MR JUSTICE G BASAVARAJA

WRIT APPEAL NO. 100251 OF 2023 (LA-RES)

BETWEEN:

1. KARNATAKA NEERAVARI NIGAM LTD.,
REPRESENTED BY ITS MANAGING DIRECTOR,
VIJAYA COMPLEX, HALIYAL ROAD ,
DHARWAD, DIST: DHARWAD-580003.

2. KARNATAKA NEERAVARI NIGAM LTD,
REPRESENTED BY ITS EXECUTIVE ENGINEER, MLBCC
DIVISION NO.2, NAVILUTEERTH,
TQ: SAUNDATTI, DIST: BELAGAVI-591116.

...APPELLANTS

(BY SRI.K.S.PATIL, ADVOCATE)

AND:

1. THE SPECIAL LAND ACQUISITION OFFICER,
MALAPRABHA PROJECT-III, BAGALKOTE,
DIST: BAGALKOTE-587101.

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2. ISHWARAPPA VIRABHADRAPPA KUMBAR
AGE: 53 YEARS, OCC: AGRICULTURE,
R/O: HIREMULKUR, TQ: BAILHONGAL,
DIST: BELAGAVI-591102.

3. NAGAPPA CHINNAPPA UGARKHOD
AGE 35 YEARS, OCC: AGRICULTURE,
R/O HIREMULKUR, TQ: BAILHONGAL,
DIST BELAGAVI-591102.

5. KALAWWA MARUTI BARKI,
AGE: 60 YEARS , OCC: AGRICULTURE,
R/O HIREMULKUR, TQ: BAILHONGAL,
DIST: BELAGAVI-591102.

6. MALLIKARJUN MADIWALAPPA HADAPAD
AGE: 72 YEARS, OCC: AGRICULTURE,
R/O HIREMULKUR, TQ: BAILHONGAL,
DIST: BELAGAVI-591102.

7. KALLAPPA NINGAPPA ENAGI
AGE: 66 YEARS, OCC: AGRICULTURE,
R/O HIREMULKUR, TQ: BAILHONGAL,
DIST: BELAGAVI-591102.

…RESPONDENTS

(BY SRI.G.K.HIREGOUDAR, GOVT. ADVOCATE FOR R1;
SRI.K.H.BAGI, ADVOCATE FOR R2 TO R4 AND R6;
R5-DECEASED)

THIS WRIT APPEAL IS FILED U/S.4 OF KARNATAKA HIGH COURT ACT, 1961, PRAYING TO SET-ASIDE THE ORDER OF LEARNED SINGLE JUDGE DATED 13.12.2021 PASSED IN WP NO.116120/2019 IN SO FAR AS DIRECTING APPELLANTS/PETITIONERS/KNNL TO DEPOSIT THE AMOUNTS AS DETERMINED BY THE LAND ACQUISITION OFFICER UNDER THE IMPUGNED AWARDS BEFORE THIS COURT WITHIN A PERIOD OF 4 WEEKS.

THIS WRIT APPEAL COMING ON FOR ORDERS, THIS DAY, ***S.R.KRISHNA KUMAR J.,*** DELIVERED THE FOLLOWING:

JUDGMENT

This intra-Court appeal is directed against the impugned order dated 13.12.2021 passed in WP No.116120/2019, wherein the said petition filed by the appellants/writ petitioners was disposed off by the learned Single Judge.

2. In the impugned order, in addition to rejecting the claim of the appellants/writ petitioners, learned Single Judge further directed the appellants/writ petitioners to

deposit the amount as determined by the LAO under the impugned awards before this Court within a period of four weeks from the date of the impugned order, which was passed on 13.12.2021.

3. Heard the learned counsel for the appellants; learned Government Advocate for respondent No.1/State as well as learned counsel for respondents No.2 to 4 and 6 and perused the material on record.

4. A perusal of the impugned order will indicate that the learned Single Judge has carefully considered/appreciated the entire material on record and has come to a conclusion that the various contentions urged by the appellants/writ petitioners are devoid of merits and same are liable to be rejected.

5. Upon re-appreciation, re-evaluation and reconsideration of the entire material on record, we are of the considered opinion that the impugned order passed by the learned Single Judge does not suffer from any illegality

or infirmity warranting interference by this Court in this appeal.

6. At this stage, learned counsel for the appellants/writ petitioners submits that due to bonafide reasons, unavoidable circumstances and sufficient cause, the appellants/writ petitioners could not comply with the directions issued by the learned Single Judge in the impugned order and could not deposit the amount as directed till today. It is submitted that if reasonable time is granted, the appellants/writ petitioners would deposit the amount as directed by the learned Single Judge in the impugned order.

7. In view of the aforesaid facts and circumstances of the case and submission made by the learned counsel for the appellants with regard to inability and omission to comply with the directions issued by the learned Single Judge to deposit the money within the time stipulated in the impugned order, we deem it just and appropriate to direct the appellants/writ petitioners to comply with the

directions issued by the learned Single Judge in the impugned order and deposit the amount on or before 01.12.2023. It is made clear that no further extension of time will be granted under any circumstances whatsoever. It is further directed that immediately upon such deposit being made by the appellants/writ petitioners, respondents/claimants shall be entitled to withdraw the said deposited amount.

8. Subject to the aforesaid directions, present intra-Court appeal stands disposed off without interfering with the impugned order.

Pending applications, if any, do not survive for consideration and accordingly, they are disposed off.

Sd
JUDGE

Sd
JUDGE

JTR