NC: 2023:KHC:33447
WP No. 17452 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 14TH DAY OF SEPTEMBER, 2023

BEFORE

THE HON'BLE MR JUSTICE M.G.S. KAMAL

WRIT PETITION NO. 17452 OF 2023 (LA-UDA)

BETWEEN:

SRI. C. MANJUNATHA
S/O LATE CHIKKA HONNEGOWDA
AGED ABOUT 42 YEARS
R/AT 260 JAYAPURA HOBLI
M.K HALLI, MYSORE - 570 023.

...PETITIONER

(BY SMT. THEJASWINI, ADVOCATE FOR
SRI. SRINIVAS V., ADVOCATE)

AND:

1. STATE OF KARNATAKA
REPRESENTED BY ITS SECRETARY
DEPARTMENT OF HOUSING AND URBAN,
M.S. BUILDING
BANGALORE- 01.

2. THE COMMISSIONER,
MYSORE URBAN DEVELOPMENT AUTHORITY
JHANSI LAKSHMI BAI ROAD
MYSORE - 570 005.

3. THE SPECIAL LAND ACQUISITION OFFICER
MYSORE URBAN DEVELOPMENT AUTHORITY

Digitally signed by SUMAN N
Location: High Court of Karnataka

JHANSI LAKSHMI BAI ROAD
MYSORE - 570 005.

…RESPONDENTS

(BY SRI. LAGALI HANUMANTHARAYAPPA HCGP FOR R1;
SRI. T.P. VIVEKANANDA, ADVOCATE FOR R2 & R3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO a) ISSUE WRIT IN THE NATURE OF CERTIORARI OR ANY WRIT OR ORDER AND QUASH THE IMPUGNED PRELIMINARY NOTIFICATION DATED: 06.07.1997 BEARING NO.LAQ(1) CR 82/97-98 ISSUED BY THE 2ND RESPONDENT UNDER SECTION 17(1) OF THE KARNATAKA URBAN DEVELOPMENT AUTHORITIES ACT, 1987 PUBLISHED IN THE KARNATAKA OFFICIAL GAZETTE VIDE ANNEXURE-A IN SO FAR AS LAND BEARING SY.NO.155/5A MEASURING 0.33 GUNTAS SITUATE AT MARTEKYATHANAHALLI VILLAGE, JAYAPURA HOBLI, MYSORE TALUK, MYSORE DISTRICT WHICH IS AT SL.NO.103 IN ANNEXURE-A AND ETC.

THIS PETITION COMING ON FOR PRELIMINARY HEARING, THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

This petition is filed seeking quash of Preliminary Notification dated 06.07.1997 issued by the respondent No.2 Mysore Urban Development Authority (MUDA) under Section 17(1) of the Karnataka Urban Development Authorities Act, 1987 in respect of land bearing Sy.No.155/5A measuring 0.33 guntas situated at

Martekyathanahalli Village, Jayapura Hobli, Mysore Taluk, Mysore notified at Sl.No.103 of the said notification at Annexure-A.

2. It is the case of the petitioner that he is the owner in absolute possession of the aforesaid land. The petitioner has been in possession and enjoyment of the aforesaid land. That the respondent authority by a Preliminary Notification dated 06.07.1997 issued under Section 17(1) of the Karnataka Urban Development Authorities Act, 1987 proposed to acquire certain lands including the land belonging to the petitioner. That no further action is taken by the respondent pursuant to the aforesaid preliminary notification.

3. Relying upon the order dated 15.11.2021 in the case of ***Puttegowda Vs State of Karnataka and others in W.P.No.20051/2021 (LA-UDA)*** learned counsel for the petitioner submits that even in the instant case, though the preliminary notification had been issued on

06.07.1997 no further action has been initiated. Hence, sought for allowing of the petition.

4. Sri.T.P.Vivekananda, learned counsel for the respondents 2 and 3 does not dispute that no action of any nature whatsoever is initiated subsequent to issuance of preliminary notification and that the land continues to be in possession and enjoyment of the petitioner.

In that view of the matter, petition is allowed. Preliminary Notification dated 06.07.1997 is quashed to the extent of the land measuring 0.33 guntas in Sy.No.155/5A, of Martekyathanahalli Village, Jayapura Hobli, Mysore Taluk, Mysore, belonging to the petitioner notified at Sl.No.103.

SD/-
JUDGE

SBN