NC: 2023:KHC:32413
WP No. 17701 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 8TH DAY OF SEPTEMBER, 2023

BEFORE

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

WRIT PETITION NO. 17701 OF 2023 (LA-KIADB)

BETWEEN:

RANGAIAH,
AGED ABOUT 52 YEARS,
S/O. LATE RAMAIAH,
RESIDING AT RAMEGOWDANADODDI VILLAGE,
HAROHALLI HOBLI,
KANAKAPURA TLAUK,
RAMANAGARA DISTRICT - 562 112.

...PETITIONER

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

AND:

1. STATE OF KARNATAKA,
REPRESENTED BY ITS PRINCIPAL SECRETARY,
DEPARTMENT OF COMMERCE AND INDUSTRIES,
DR. AMBEDKAR VEEDHI,
BENGALURU - 560 001.

2. THE KARNATAKA INDUSTRIAL AREAS
DEVELOPMENT BOARD,
NO.49, 4TH AND 5TH FLOOR, EAST WING,
KHANIJA BHAVAN, RACE COURSE ROAD,
BENGALURU - 560 001.
REPRESENTED BY ITS CHIEF EXECUTIVE OFFICER.

3. SPECIAL LAND ACQUISITION OFFICER - 01,
KARNATAKA INDUSTRIAL AREAS
DEVELOPMENT BOARD,
NO.39, BHARATH SCOUTS AND GUIDES BUILDING
"SHANTI GRUHA",
4TH FLOOR, PLACE ROAD, BANGALORE - 560 001.

Digitally signed by SUMA B N
Location: High Court of Karnataka

4. SRI. M. THIMMEGOWDA,
AGED ABOUT 72 YEARS,
S/O. LATE MUTHEGOWDA,
RESIDING AT CHIKKAMUTHAIAHYANADODDI,
HAROHALLI HOBLI, KANAKAPURA TALUK,
RAMANAGARA DISTRICT - 562 112.

…RESPONDENTS

(BY SMT. D. L. RANSA VASANTHI, HCGP FOR R1;
SRI. H. L. PRADEEP KUMAR, ADVOCATE FOR R2 AND R3)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECTING THE R-3 TO REFER THE PROCEEDINGS INITIATED VIDE NOTICE BEARING NO.KIADB/LAQ/311/2023-24 AT ANNEXURE-D TO THE COMPETENT CIVIL COURT DIRECTING THE R-3 NOT TO DISBURSE THE COMPENSATION TO THE R-4 PENDING DISPOSAL OF THE SUIT IN OSNO.116/2020 VIDE ANNEXURE-B1 AND B2 AND ETC.,

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

ORDER

Accepting the submission of the learned counsel for the petitioner office objections are overruled.

The present petition is for a limited prayer seeking direction to respondent No.3 to refer the proceedings initiated vide notice bearing No.KIADB/LAQ/311/2023-24 dated 01.06.2023, produced at Annexure-D, to the

competent civil court for determination of the issue involved. Learned counsel for the petitioner submits that there is a dispute with regard to the entitlement to receive the compensation and without considering the same, the respondent authorities are making efforts to disburse the compensation.

2. Sri.H.L.Pradeep Kumar., learned counsel appearing for the KIADB, submits that since there is a dispute, there is no question of disbursing the compensation unless and until the issue is resolved. On a query by this Court, learned counsel submits that if an application is filed under Section 30 of the Land Acquisition Act., entitlement of the Petitioner will be determined in accordance therewith.

3. petitioner seeks liberty to file such an application.

4. Granting two weeks time from the date of receipt of this order copy to the petitioner, enabling him to

file such an application, with the further direction to the land acquisition officer to consider the said application to the extent of the entitlement of the Petitioner, within the outer limit of six weeks thereafter and to pass an appropriate order in accordance with law, this writ petition is disposed off.

Sd/-
JUDGE

HDK
List No.: 1 Sl No.: 14
CT: AVB