IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF SEPTEMBER, 2023

BEFORE

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

WRIT PETITION NO.17801 OF 2023 (LA-RES)

BETWEEN:

SHIVEGOWDA
SINCE DECEASED REPRESENTED BY LRS

1. SRI. VENKATESHA
S/O SHIVEGOWDA
AGED ABOUT 54 YEARS,

THIMMAJAMMA
SINCE DECEASED REPRESENTED BY LRS

2. SRI. VENKATEGOWDA
S/O KEMPEGOWDA
AGED ABOUT 55 YEARS,

LAKSHMAMMA
SINCE DECEASED REPRESENTED BY LRS

Digitally signed by SUMADHA N
Location: High Court of Karnataka

3. SRI. S.R. PANDURANGA
S/O NARASIMHAGOWDA
AGED ABOUT 62 YEARS

4. SRI. LAKKAYYA
S/O NANJAYYA
AGED ABOUT 64 YEARS

GIDDAYYA
SINCE DECEASED REPRESENTED BY LRS

5. SMT. RAJAMMA
S/O LAKKAYYA
AGED ABOUT 58 YEARS

GIDDAMMA
SINCE DECEASED REPRESENTED BY LRS

6. SRI. RAJEGOWDA
S/O NINGEGOWDA
AGED ABOUT 49 YEARS

NANJAMMA
SINCE DECEASED REPRESENTED BY LRS

7. SMT. GOURAMMA
W/O RANGASWAMY
AGED ABOUT 50 YEARS

MARIYAMMA
SINCE DECEASED REPRESENTED BY LRS

8. SRI. SOMEGOWDA
S/O KALEGOWDA
AGED ABOUT 53 YEARS

PUTTASWAMYGOWDA
SINCE DECEASED REPRESENTED BY LRS

9. S.P. MALLEGOWDA
S/O LATE PUTTASWAMYGOWDA
AGED ABOUT 61 YEARS,

10. SRI. NAGARAJU
S/O CHIKKEGOWDA
AGED ABOUT 48 YEARS

NARASIMHAGOWDA
SINCE DECEASED REPRESENTED BY LRS

11. S.N. RANGASWAMY
S/O NARASIMHAGOWDA
AGED ABOUT 58 YEARS

12. SRI. SUBBEGOWDA
S/O KALEGOWDA
AGED ABOUT 61 YEARS

SRI. SHIVEGOWDA
SINCE DECEASED REPRESENTED BY LRS

13. SMT. PUTTANANAJAMMA
S/O SHIVEGOWDA
AGED ABOUT 52 YEARS

JAVARAMMA
SINCE DECEASED REPRESENTED BY LRS

14. SRI. RAMEGOWDA
S/O LAKKEGOWDA
AGED ABOUT 58 YEARS

15. SRI. NANAJUNDEGOWDA
S/O KALEGOWDA
AGED ABOUT 58 YEARS

RAMEGOWDA
SINCE DECEASED REPRESENTED BY LRS

16. SMT. NANJAMMA
W/O RAMEGOWDA
AGED ABOUT 56 YEARS

ALL THE PETITIONERS ARE R/AT
K. SHINGENAHALLI VILLAGE,
DANDIGENAHALLI HOBLI,
CHENNARAYAPATNA TALUK
HASSAN DISTRICT - 573116.

…PETITIONERS

(BY SRI. RAJARAMA S., ADVOCATE)

AND:

1. DEPUTY COMMISSIONER
   OFFICE AT DEPUTY COMMISSIONER'S
   OFFICE BUILDING,
   HASSAN-573116.

2. THE SPECIAL LAND ACQUISITION OFFICER
   HEMAVATHI RESERVOIR PROJECT-I (H.N.PURA)
   OFFICE AT DEPUTY COMMISSIONER'S
   OFFICE BUILDING,
   HASSAN-573116.

…RESPONDENTS

(BY SRI. LAGALI HANUMANTHARAYAPPA, AGA)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECT THE RESPONDENTS TO CONSIDER AND TO DISPOSE OF THE APPLICATION DATED 09.11.2020 FILED BY THE PETITIONERS UNDER SECTION 28(A)(1) OF LAND ACQUISITION ACT 1894, VIDE ANNEXURES -A B C D E F G H J K L M N P Q R AS EXPEDITIOUSLY AS POSSIBLE IN ACCORDANCE WITH LAW.

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

ORDER

Learned Additional Government Advocate is directed to take notice for respondents 1 and 2.

Present petition is seeking direction to respondents to consider the application dated 09.11.2020 filed by the petitioners under Section 28(A)(1) of the Land Acquisition Act, 1894 and case of the petitioners is that they are the owners of land described in their application produced at Annexures-A to R and that their lands were acquired by respondents in terms of notification dated 24.07.1986. That the award was passed and due to ignorance they could not seek for reference of the matter under Section 18 of the Act, 1894. That recently they learnt about enhancement of award made in LAC No.64/2014 in respect of lands similarly situated to that of the petitioners and that the petitioners are also entitled for similar quantum of compensation. Therefore petitioners filed application under Section 28(A)(1) as per Annexures A to R on 09.11.2020. That the respondent authorities have not considered the said applications even after lapse of almost three years constraining the petitioners to approach this Court.

2. Learned Additional Government Advocate for respondents 1 and 2 in response submits that if given some time the applications filed by the petitioners will be considered in accordance with law.

In that view of the matter, petition is ***disposed of*** directing the respondent authorities to consider the applications filed by the petitioners as above within an outer limit of twelve weeks from the date of receipt of certified copy of this order.

SD/-
JUDGE

SBN