
(2013) 08 KAR CK 0245

In the Karnataka High Court

Case No : Writ Appeal No. 7008 of 2012 (LA-KIADB)

A. Janardhana Shetty

APPELLANT

Vs

State of Karnataka and Others

RESPONDENT

Date of Decision : 26-08-2013

Acts Referred:

Karnataka Industrial Area Development Act, 1966 — Section 28(1)

Citation : (2013) 6 KarLJ 80

Hon'ble Judges : V. Suri Appa Rao, J;N. Kumar, J

Bench : Division Bench

Advocate : K. Shashikiran Shetty, for the Appellant;

Judgement

N. Kumar, J.—This appeal is preferred against the order passed by the learned Single Judge, who declined to entertain the writ petition on the ground that the petitioner has no locus standi to challenge the acquisition proceedings when he has purchased the property subsequent to preliminary notification. The subject-matter of this proceedings is land bearing Sy. No. 114/2 measuring 351/2 guntas of Nagavara Village, K.R. Puram Hobli, Bangalore North Taluk. The said land was notified for acquisition u/s 28(1) of the Karnataka Industrial Areas Development Act, 1966 on 7-10-2002. The petitioner has purchased this property from the erstwhile owner on 19-7-2004. It is thereafter he has preferred a writ petition in the year 2009 challenging the said notification.

2. The learned Single Judge relying on the judgment of the Full Bench of this Court in the case of Poornaprajna House Building Co-operative Society, Bangalore v. Bailamma alias Dodda Bailamma and Others¹, where it was held "a purchaser of a notified property under the Land Acquisition Act, 1894 is not entitled to challenge the notification" has dismissed the petition. Against that order, the present appeal is preferred.

3. We have heard the learned Counsel for the appellant.

4. Subsequent to the judgment of the Full Bench of this Court, the Apex Court in

series of judgments has reiterated the aforesaid legal position. In that view of the matter, the order passed by the learned Single Judge is in accordance with law. No infirmity to call for interference.

Hence, this writ appeal is dismissed.