

(2012) 09 KAR CK 0216

In the Karnataka High Court

Case No : Writ Petition No. 22916 of 2009 (LA-KIADB)

A. Janardhana Shetty

APPELLANT

Vs

The State of Karnataka, The Karnataka Industrial Area
Development Board and M/s. Manyata Promoters Private
Limited

RESPONDENT

Date of Decision : 27-09-2012

Acts Referred:

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

Citation : (2012) 09 KAR CK 0216

Hon'ble Judges : Anand Byrareddy, J

Bench : Single Bench

Advocate : Lakshminarayana S, for the Appellant; I.G. Gachchinamath, Advocate for Respondent Nos. 2 and 3, Shri. B.L. Srinkantaiah, Advocate for Respondent No. 4 and Shri. H.T. Narendra Prasad, Government Pleader, for the Respondent

Final Decision : Dismissed

Judgement

Anand Byrareddy

1. Heard the learned counsel for the petitioner. The petitioner had purchased land in Sy. No. 114/2 measuring 351/2 guntas of Nagavara village, K.R. Puram Hobli, Bangalore North Taluk under a sale deed dated 19.07.2004. It is claimed that mutation was effected in his favour immediately thereafter. However, the proceedings had been initiated for acquisition of the land in question along with other items of land by a preliminary notification dated 19.4.2001 u/s 28(1) of the Karnataka Industrial Areas Development Board Act, 1966 (hereinafter referred to as the "KIADB Act" for brevity). It is the petitioner's case that his name was not reflected in the said notification nor was the vendor's name reflected, nor was the erstwhile owner of the land. It is in this fashion that the petitioner never had an opportunity of filing his objections or participating at the enquiry proceeding the final notification that was issued as on 7.10.2002. It is in this background

that the petitioner is before this Court.

2. The petition is contested on the preliminary ground that admittedly, the petitioner is said to have purchased the property subsequent to the preliminary notification and it is settled law that such a purchaser would have no locus standi to question the acquisition. In this regard, the learned counsel for the respondent places reliance on several authorities before the court, latest of which is in the case of Poornaprajna House Building Co-operative Society, Bangalore Vs. Bailamma @ Dodda Bailamma and Others, It is a judgment rendered by a Full Bench of this Court apart from other judgments of the Apex Court. Therefore, the petition would have to fail on that ground alone. The learned counsel for the petitioner however would seek to insist that great injustice has been caused to the petitioner, as neither the petitioner nor the erstwhile owners were notified and there is a failure of justice in the petitioner or his vendors not having been notified of the acquisition proceedings and has also filed a rejoinder to substantiate the injustice caused.

However, the law being clear on this aspect of the matter, the petitioner would have no right to question the acquisition proceedings when it is apparent that the land has been purchased by the petitioner subsequent to the preliminary notification. On that short ground, the petition stands dismissed.