

(2015) 01 KAR CK 0191

In the Karnataka High Court

Case No : Writ Petition No. 45759 of 2012 (GM-FOR-PIL)

Arkavathi Kumudavathi Nadi Punschetana Samithi

APPELLANT

Vs

State of Karnataka and Others

RESPONDENT

Date of Decision : 05-01-2015

Acts Referred:

Citation : (2015) 5 FLT 328 : (2015) 1 KarLJ 451 : (2015) 4 KCCR 3440

Hon'ble Judges : D.H. Waghela, C.J.; Ram Mohan Reddy, J.

Bench : Division Bench

Advocate : T.I. Abdulla, for the Appellant; A.S. Ponnanna, Additional Advocate General and Prathima Honnapura, High Court Government Pleader, Advocates for the Respondent

Final Decision : Disposed off

Judgement

D.H. Waghela, C.J.—The present petition in the nature of public interest litigation is filed with the main prayer to the effect that a writ in the nature of mandamus may be issued to direct the respondents-Authorities not to alienate or divert Hesaraghatta Natural Grasslands situated in Survey Nos. 82, 83, 92, 94, 99, 95, 98, 97, 100 and 101 of Kodihalli Village, Madhure Hobli, Doddaballapur Taluk, totally admeasuring 302 acres; and to direct the State Board for Wild Life to advise the Government to declare the aforesaid lands as protected area under the Wild Life (Protection) Act, 1972. Upon notice being issued to the respondents, learned Additional Advocate General has appeared for respondents 1 to 5 and learned Advocate appearing for respondent 6 has retired. By initial order dated 4-1-2013, the parties have been directed to maintain status quo in respect of the lands in question, until further orders. That order continues to operate.

2. In the peculiar facts and circumstances, learned Additional Advocate General has submitted that the State Government was considering at the highest level the contentions and issues raised in the present petition and have not made up their mind about proper utilisation of the lands in question.

3. It was further submitted that the State Government with all its Departments concerned as also the State Board of Wild Life propose to take all the relevant factors into consideration and take a final decision and in the meantime, proposes to maintain status quo so as to preserve the land in its present form as grassland. It was on that basis submitted that the petition has practically served its purpose and in view of the statement being made on behalf of the respondent that status quo shall be maintained till appropriate decision, the petition may be disposed as not surviving.

4. Learned Counsel for the petitioners, however, rightly submitted that as and when the Government takes a final decision in respect of the lands in question, for any development or formation of any Theme Park, petitioner or any other person interested in the matter should have the liberty to challenge such decision, if they are so advised.

5. Accordingly, the petition is disposed at this stage, recording the statement of learned Additional Advocate General that status quo as on today shall be maintained in respect of the aforesaid lands till a final decision is taken by the State Government and such decision shall be conveyed to the petitioner as early as possible so as to allow them to approach the Court if they are so advised.

6. It is needless to clarify that the petitioner or any other person having a genuine public interest in mind, will have the liberty to approach the Court as and when decision in respect of utilisation of the land in question is taken. Petition stands disposed accordingly with the aforesaid observations, with no order as to cost.