
(1973) 09 KAR CK 0018
In the Karnataka High Court
Case No : Writ Petition No. 2660 of 1973

Babu Devendrappa Yarnal

APPELLANT

Vs

State of Mysore and Another

RESPONDENT

Date of Decision : 14-09-1973

Acts Referred:

Citation : AIR 1974 Kar 121

Hon'ble Judges : Jagannatha Shetty, J

Bench : Single Bench

Advocate : S.L. Benadikar, for the Appellant;

Judgement

Jagannatha Shetty, J.—The petitioner has challenged the Notification issued u/s 4(1) read with Section 17 of the Land Acquisition Act. By the said notification, the land belonging to the petitioner, has been acquired for public purpose to wit for providing house sites to the landless and houseless rural workers of Lolsur, Taluka Gokak. Two contentions are urged by Sri S.L. Benadikar, learned Counsel for the petitioner: (i) That the purpose for which the land is acquired is not so urgent as to dispense with an enquiry u/s 5A; and (ii) That the acquisition is mala fide as it is done at the instance of the Village Panchayat members who are inimical with the petitioner.

2. On the first contention, the Court will have to simply peruse the reason given in the notification for acquiring the land. The purpose for the acquisition shown therein is to provide house sites to the landless (sic) and houseless rural workers. It is a basic need for all human beings, to have a little shelter for protection if not for comfort. Earlier it is provided, better it is for the society. Certainly I cannot hold that there is no urgency on this problem.

3. On the charge of mala fides, I find only vague allegations. All that the petitioner has stated is that the Village Panchayat members are inimical with him. The land is not being acquired either for or at the instance of the village panchayat. The notification was issued by the State Government and the opinion

on the urgency of the problem was formed by the State Government. The members of the village panchayat have no hold in the matter of the acquisition of the land. In the result, the writ petition is rejected.