

(2014) 11 KAR CK 0122

In the Karnataka High Court

Case No : Writ Petition No. 50798 of 2014 (LA-KIADB)

Basappa

APPELLANT

Vs

State of Karnataka

RESPONDENT

Date of Decision : 11-11-2014

Acts Referred:

Karnataka Industrial Areas Development Act, 1966 — Section 29(2)

Citation : (2015) 1 KarLJ 3 : (2015) 4 KCCR 3747

Hon'ble Judges : A.S. Bopanna, J

Bench : Single Bench

Advocate : Murugesh V. Charati, Advocate for the Appellant; Sriyuths S.V. Girikumar, Additional Government Advocate and B.B. Patil, Advocate for the Respondent

Judgement

A.S. Bopanna, J.—The petitioner is before this Court assailing the general award dated 30-12-2013 impugned at Annexure-C to the petition. The petitioner also seeks for issue of directions to the respondents to consider the case of the petitioners in terms of Section 29(2) of the Karnataka Industrial Areas Development Act, 1966 (for short, "KIAD Act"). This petition lies in a narrow compass, only on the issue relating to the payment of compensation to the petitioners and the acquisition per se is not under challenge. The details of the lands acquired from the petitioner in Kurgal Village, Vemgal Hobli, Kolar Taluk and Kolar District, is also not in dispute.

2. The case of the petitioner is that since there was an agreement with regard to acquisition, the compensation should have been granted as provided under Section 29(2) of the KIAD Act by agreement and not by a general award as has been presently made. It is in that view, the petitioner contends that the impugned general award dated 30-12-2013 insofar as the petitioner's land is concerned is liable to be quashed and appropriate directions be issued.

3. The learned Counsel for the respondents has filed the statement of objections on behalf of respondents 2 and 3. The same is taken on record. A perusal of the

same would indicate that respondents 2 and 3 are not averse to consider the case of the petitioners and pass the award in terms of Section 29(2) of the KIAD Act. In fact, a specific averment has been made in this regard that the case of the petitioners would be considered accordingly. In that view of the matter, it is unnecessary to advert to further details as contended since it would be sufficient for this Court to quash the general award dated 30-12-2013 only insofar as it relates to the compensation determined in respect of the land belonging to the petitioner and direct respondents 2 and 3 to pass the consent award in terms of Section 29(2) of the KIAD Act. Accordingly, the general award dated 30-12-2013 stands quashed insofar as the compensation awarded in relation to the site belonging to the petitioner. A direction is issued to respondents 2 and 3 to consider the case of the petitioner for award of compensation in terms of Section 29(2) of the KIAD Act. The said exercise shall be completed in an expeditious manner. It is clarified that since there is a suit pending between the petitioner and the other claimants, the benefit of the above order would enure to the petitioner only to the extent of the property he is entitled to as being adjudicated in the suit.

In terms of the above, the petition stands disposed of.