
(2013) 12 KAR CK 0035

In the Karnataka High Court

Case No : WA No"s. 50080-50084 of 2013 and 50228-50230 of 2013 (LA-RES)

Hanamanth and Others

APPELLANT

Vs

The State of Karnataka

RESPONDENT

Date of Decision : 10-12-2013

Acts Referred:

Citation : (2013) 12 KAR CK 0035

Hon'ble Judges : Ram Mohan Reddy, J;K.N. Keshavanarayana, J

Bench : Division Bench

Advocate : Sulochana Sagar and Sri Nagaraj Patil, for the Appellant;
Shivakumar R. Tengli, AGA, for the Respondent

Final Decision : Dismissed

Judgement

Ram Mohan Reddy, J.—With the consent of the learned counsel for the parties, I.A. No. 1/2013 and the appeals are finally heard and disposed of by this order. I.A. No. 1/2013 is to condone the delay of 380 days in filing the appeals calling in question the order dated 30.01.2012 of the learned Single Judge declining to interfere with the validity and legality of the acquisition notifications issued under the Land Acquisition Act for acquiring the lands belonging to the appellants.

2. Although the explanation offered is far from satisfactory, nevertheless, in order to do justice, it is appropriate to condone the delay Accordingly, I.A. No. 1/2013 is allowed and delay condoned.

3. Heard the learned counsel for the appellants.

4. These intra Court appears filed by the writ petitioners calling in question the order of the learned Single Judge apparently is not maintainable having regard to a subsequent event that notice u/s 12(2) of the Land Acquisition Act i.e., award notice is issued to the appellants as stated in the affidavit accompanying I.A. No. 1/2013 and if that is so, the proceeding under the Land Acquisition Act to acquire the lands belonging to the appellants is complete. If the appellants are dissatisfied with the quantum of compensation awarded by the Special Land

Acquisition Officer, it is open for the appellants to make necessary representations under the Land Acquisition Act to refer the claim to the Civil Court for enhancement of compensation, if so advised.

5. Even otherwise, there is no dispute that the acquisition of the lands is for a public purpose for formation of water tank and therefore, appellants are entitled to claim market value of the acquired land, as compensation, having regard to the Article 300(A) of the Constitution of India. The order of the learned Single Judge at para 4 makes reference to the objections filed by the State, wherein, it is stated, it is for the State to decide as to whether the lands in question or some other lands are suitable for the formation of a tank and should be left to the decision and wisdom of the experts in the field, to reject the plea to the contrary. In addition, the learned Single Judge observed that the appellants are at liberty to make representation to the respondents in the matter of claiming one house, an alternative land in exchange for the land acquired, besides an employment and compensation of Rs. 25,00,000/- per acre, since compulsory acquisition of land entails not only deprivation of the property, but also in the destruction of the livelihood of the appellants, which if made, there is no reason to believe that the Government would not consider the same, meaningfully.

6. Regard being had to the opinion of the learned Single Judge, we find no legal ground to interfere with the order in question. Appeals devoid of merit are accordingly rejected. I.A. No. 2/2013 for stay is unnecessary and the same is rejected accordingly.