

(2017) 02 KAR CK 0293
In the Karnataka High Court
Case No : 807-811 of 2016 (LA-KIADB)

Karnataka Industrial Areas Development Board, & Anr.

APPELLANT

Vs

Lakshman, & Ors.

RESPONDENT

Date of Decision : 28-02-2017

Acts Referred:

[Karnataka Industrial Areas Development Act, 1966](#), [Section 28\(1\)](#), [Section 28\(4\)](#), [Section 28\(6\)](#) - Acquisition of land - Acquisition of land - Acquisition of land

Citation : (2017) 02 KAR CK 0293

Hon'ble Judges : Subhro Kamal Mukherjee, Budihal R.B.

Bench : DIVISION BENCH

Advocate : Chandrashekar P V, D N Nanjunda Reddy, A V Nishanth, Sunil Dutt Yadav, S.G. Pandit

Final Decision : Dismissed

Judgement

1. Mr.D.N.Nanjunda Reddy, learned senior advocate, accepts notice for the respondent No.1. Mr.Sunil Dutt Yadav, learned special government advocate, accepts notice for the respondent Nos.2 and 4. Mr.S.G.Pandit, learned advocate, accepts notice for the respondent No.3.

2. These appeals are against the judgment and order dated February 22, 2016, passed by the Hon"ble Single Judge, allowing the writ petitions. It was held that the acquisition proceeding not having progressed from the year 1999, it was deemed that the State has abandoned the land-in-question from acquisition proceedings. There is complete inaction on the part of the State.

3. The writ petitioner purchased the property in question on November 22, 2004. Prior to sale, the erstwhile vendor got an order of conversion of the land from agricultural to non-agricultural purpose. After the purchase, on enquiry, it was revealed to the vendee that the notice under sub-Section (1) of Section 28 of the Karnataka Industrial Areas Development Act, 1966 was issued for the purpose of

acquisition of the land. The notice was issued in the year 1999.

4. Excepting issuing the notification under sub- Section (4) of Section 28 of the said Act, nothing had happened to make the acquisition proceeding final. The State did not exercise the power conferred under Section 28(6) of the said Act for taking possession. The possession is still with the writ petitioner.

5. An objection is taken by Mr.Chandrashekar.P.V., learned advocate appearing for the appellant that the writ petitions were not maintainable at the instance of subsequent purchaser.

6. It is a settled law that the subsequent purchaser may not challenge the acquisition proceeding, but can seek for declaration that the acquisition proceeding stood lapsed, as the State abandoned the land from the acquisition proceeding.

7. In this proceeding, the authorities had not carried forward the acquisition proceedings after 1999. No further action having been taken, the acquisition proceeding stood abandoned.

8. Therefore, we do not find any merit in the writ appeals.

9. Writ Appeals stand dismissed.

10. We make no order as to costs.