

(2013) 07 KAR CK 0033
In the Karnataka High Court
Case No : Writ Petition 25516 of 2013 (LA)

M/s. Lankesh Patrike and Patrike Prakashana

APPELLANT

Vs

Karnataka Industrial Area Development Board, Spl. Land
Acquisition Officer, KIADB and State of Karnataka

RESPONDENT

Date of Decision : 11-07-2013

Acts Referred:

Citation : (2013) 07 KAR CK 0033

Hon'ble Judges : Huvadi G. Ramesh, J

Bench : Single Bench

Advocate : A.K. Subbaiah, for the Appellant; H.T. Narendra Prasad, GP for R3 and Sri B.B. Patil and Assts. Advocate for R1-2, for the Respondent

Final Decision : Disposed Off

Judgement

Huvadi G. Ramesh, J.—Petitioner is an allottee of 4.00 acres of land in I Phase of Harohalli Industrial Area by the respondent KIADB by an allotment letter dated 25.5.2007. He has deposited Rs. 88 lakhs and also obtained a registered lease cum sale agreement on 28.7.2007. Possession certificate has been issued in his favour and an amount of Rs. 10 lakhs is spent towards cost of registration. The grievance of the petitioner is, the respondent authorities has intimated to hand over the land allotted to him on the ground that there is a challenge in respect of the said land, on the point of acquisition. The difficulty faced by the petitioner is, he has spent nearly one crore rupees towards allotment of 4.00 acres of land in the industrial area and registration and handing over possession was all over. Although the KIADB is ready to grant alternate land, as per his prayer, but such allotment would be in a different place and at a higher rate and it would work out hardship to the petitioner.

2. According to the counsel representing the KIADB, the present market value is rather because of the cost of acquisition and prevailing market value and if an alternate land is given it costs more and petitioner cannot expect alternate land for the same cost which he has deposited.

3. Now the course open to the petitioner is to await the decision of the court regarding challenge made to the acquisition in respect of the property which is said to have been allotted in his favour or else he has to go for allotment of alternate land in a different area. In that fact situation, it is for the respondent authority to make available the land which was allotted to the petitioner at the earliest or else petitioner's prayer would be considered to allot alternate land, if acceptable to the petitioner after negotiating the price/fee fixed by the respondent authority at the earliest, i.e., in six months, in accordance with law. Petitioner also could plead for some concession to be shown with respect to payment of excess amount, if any and could also exercise his option in selecting the land. With the above observation, petition is disposed of.