
(2013) 09 KAR CK 0306
In the Karnataka High Court
Case No : Writ Petition No. 27415 of 2013

M/s. Palreacha Infrastructure and Developers

APPELLANT

Vs

Karnataka Industrial Areas Development Board and The Chief
Executive Officer and Executive Member, Karnataka Industrial
Areas Development Board

RESPONDENT

Date of Decision : 27-09-2013

Acts Referred:

Citation : (2013) 09 KAR CK 0306

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

Bench : Single Bench

Advocate : T.S. Amar Kumar, for Lawyers INC, for the Appellant; B.B. Patil, for B.B. Patil and Assts., for the Respondent

Final Decision : Disposed Off

Judgement

A.S. Bopanna, J.—The petitioner is before this Court assailing the notice of cancellation dated 13.06.2013 at Annexure-X to the petition. The petitioner is also seeking for issue of mandamus to direct the respondents/KIADB to clarify the position regarding the possession of the lands and thereafter take further steps towards conveying the property to the petitioner. The brief facts are that the petitioner with the intention of setting up a Logistics park had applied for allotment of 25 acres of land at Iggalur village, Attibele Hobli, Anekal Taluk, Bangalore Urban District through the Karnataka Udyog Mitra. Pursuant to the application filed on 26.08.2011, the Karnataka State Level Single Window Clearance Committee had informed the petitioner about the availability of the land. The further details in that regard need not be adverted to, inasmuch as, the land measuring 15 acres has been allotted to the petitioner at Iggalur Village, Attibele Hobli, Anekal Taluk. In the instant petition, the question that would arise for consideration is only with regard to the action that has been taken by the respondents through the impugned communication dated 13.06.2013 rejecting the request of the petitioner for time to pay the amount and also with regard to

whether the land is available for granting possession in favour of the petitioner.

2. In that regard, at the outset, it would be appropriate to refer to the statement of objections filed on behalf of the respondents. The manner of allotment made to the petitioner and the terms to be complied therein has been referred to in the objection statement. With regard to the apprehension that has been put forth by the petitioner that they would not be entitled to possession of the property due to certain developments and therefore they had not paid the amount earlier as their bankers had not processed the papers in view of the aspect relating to possession, but it has now been clarified by the respondents, that the claim, which was earlier made by the Bangalore Mahanagara Palike does not subsist, inasmuch as, the respondents herein have already indicated the right of the BBMP. Hence the respondents herein have clarified that to the extent of 15 acres which has been allotted in favour of the petitioner, there is absolutely no impediment at this juncture to hand over possession to the petitioner and the only concern of the respondents is that the petitioner did not show seriousness in pursuing the project by paying the amount and taking possession of the land.

3. If the said contention put forth by the respondents in their statement of objections is kept in view, I am of the opinion that the consideration of the petition would narrow down, inasmuch as, the grievance that was put forth by the petitioner about certain intervention in view of the claim being made by the BBMP was infact a valid apprehension of the petitioner till the same has attained its finality and since the BBMP has no claim whatsoever at this juncture as clarified by the respondents.

4. The learned counsel for the petitioner, in that regard has also referred to the communication dated 28.05.2013 which had been addressed by the BBMP to the petitioner indicating their claim. Since the said communication was at an earlier point of time and the respondents have now clarified the said position, the land would be available for giving possession at present. However, the petitioner would have to show their bonafides and seriousness in proceeding with the project by taking possession of the land. To the said extent, the learned counsel for the petitioner would clarify that if the possession is assured to the petitioner, their bankers are ready to finance the project and the amount would be deposited. The objection statement filed herein and the same being taken note by the Court shall now be considered as a clarification relating to the possession to be handed over to the petitioner and the bankers of the petitioner would be entitled to act upon the same.

5. In that view of the matter, the ends of justice would be met if the respondents are directed to keep in abeyance the communication dated 13.06.2013 impugned herein for a period of five weeks from the date on which the certified copy of this order is available for the parties herein. The petitioner shall however secure the sanction of the finance and deposit the amount with the respondents within four weeks from the date on which the copy is available. On such amount being deposited, the respondents shall forthwith take steps to put the petitioner in

possession of the land allotted in their favour and execute the necessary documents in that regard. Needles to mention, if the petitioner does not deposit the amount within the said period of four weeks and in that event if the respondents choose to proceed further, they shall thereafter proceed in accordance with law. In terms of the above direction, the petition stands disposed of. In view of the main matter being disposed of, IA 1/2013 also stands disposed of.