
(2014) 01 KAR CK 0186

In the Karnataka High Court

Case No : Writ Petition No. 49 of 2014 (GM-SLUM)

M.T. Chandrashekar and Another

APPELLANT

Vs

State of Karnataka and Others

RESPONDENT

Date of Decision : 22-01-2014

Acts Referred:

Citation : (2014) 2 KarLJ 211 : (2014) 4 KCCR 3069

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

Bench : Single Bench

Advocate : B.K. Manjunath, Advocate for the Appellant; Vijayakumar A. Patil, High Court Government Pleader and Sri B. Ramaswamy Iyengar, Advocate for the Respondent

Judgement

A.S. Bopanna, J.—The petitioners are before this Court seeking that the respondents 1 and 2 be directed to publish the notification u/s 17 of the Karnataka Slum Areas (Improvement and Clearance) Act, 1973 in respect of the lands belonging to the petitioners and direct the respondents to pay the compensation to the petitioners in respect of the same. The fact that the petitioners are the owners of the Sand bearing Sy. Nos. 17/1A and 1B situate at Kelagote Extension, Chitradurga City and in the said lands, slum had developed is not seriously in dispute. In respect of the said lands and the other lands, a notification u/s 3 of the Karnataka Slum Areas (Improvement and Clearance) Act, 1973 has been issued and the same has attained finality. The petitioners therefore contend that the property which rightfully belongs to the petitioners is now declared as a slum area and is denied the benefit of the said property. Since, in such circumstance the right of the petitioners to evict the persons also would be jeopardised, the petitioners contend that the first respondent should be directed to issue a notification for acquiring the said land as contemplated u/s 17 of the Act.

2. The petitioners have also relied on the order dated 21-8-2007 passed in W.P. No. 3537 of 2005, wherein similarly situated persons had approached this Court

and this Court had disposed of the petition directing the respondents to consider the representations which had been made by the petitioners therein. Therefore, the petitioners are also seeking for a similar treatment in terms of the order passed in W.P. No. 3537 of 2005.

3. Having perused these aspects of the matter, what is necessary to be outlined at the outset is that the first respondent certainly could look into all these aspects and then come to a conclusion on the request that is being made by the petitioners. Hence, at this juncture, it is premature for this Court to issue a positive mandamus to acquire the property and to pay compensation. However, if a request is made by the petitioners, certainly the respondents 1 and 2 are required to consider the same in accordance with law and then come to a conclusion on that aspect of the matter.

4. In order to enable such consideration by the respondents 1 and 2, the petitioners are granted the liberty of filing an appropriate representation with the second respondent, who shall look into the same and forward the same to the first respondent and a decision be taken with regard to the request made by the petitioners. Based on such consideration that would be made by the respondents 1 and 2, further steps in the matter would be taken. The decision to be taken by the respondents 1 and 2 in any event should be conveyed to the petitioners within a time frame. To regulate this aspect of the matter, the petitioners are granted liberty to file an appropriate representation with the second respondent within a period of four weeks from the date of receipt of a copy of this order. The respondents 1 and 2 shall consider the matter, take a decision and intimate the result of such consideration to the petitioners as expeditiously as possible, but not later than three months from the date on which the representation is submitted by the petitioners.

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