

(2011) 07 KAR CK 0106

In the Karnataka High Court

Case No : Writ Petition No. 22846 of 2010 (KLR-RES)

Muninarayanappa

APPELLANT

Vs

State of Karnataka and Others

RESPONDENT

Date of Decision : 06-07-2011

Acts Referred:

Karnataka Land Revenue Act, 1964 — Section 136 (2)

Citation : (2011) 5 KarLJ 621

Hon'ble Judges : D.V. Shylendra Kumar, J

Bench : Single Bench

Advocate : Prasanna Deshpande, for the Appellant; R Omkumar, AGA for Rule 1 to Rule 4, Sri. Praveen G. Adagatti, for Rule 5 and Sri. Y.R. Sadashivareddy, for Rule 6, for the Respondent

Judgement

1. While this writ petition only deserves to be dismissed as one without any merit and particularly being in the nature of frivolous writ petition wherein the writ Petitioner has sought for the following reliefs:

[a] Issue a writ of certiorari or any other appropriate writ quashing the order passed by the 2nd Respondent in proceedings No. LND/RUO [A]/17/2004-05 dated 24.6.2010 produced as Annexure-F.

[b] Pass any other appropriate order to meet the ends of justice and equity.

on the premise that the Petitioner had filed an application for regularization of his unauthorized occupation to an extent of 1 acre in either Sy. No. 82 as is mentioned at four places in Form No. 50 produced as Annexure-A but rounded off and instead written as Sy. No. 66 of Karinayakanahalli Village, Kasaba Hobli, Malur Taluk, corresponding to column No. 8 of the application on the premise that though Petitioner had filed such application way back in the year 1991 while the application is kept pending and without being considered, in the meanwhile the Respondents - State, Regularization Committee and Tahsildar are all busy in granting chunks of land in the very survey number without dispute a gomal land

in Sy. No. 66 measuring an extent of 19 acres 17 guntas and therefore the Petitioner is aggrieved as some part of this land measuring 30 guntas had been granted by the Committee for Regularization of Unauthorized Occupation in favour of sixth Respondent and in this context has sought for quashing of the grant order as affirmed by the Assistant Commissioner in his appellate order dated 24.6.2010 [copy at Annexure-F], an appeal at the instance of one A D Krishnappa - sixth Respondent herein and wherein figured the Tahsildar as first Respondent, Regularization Committee as second Respondent and one Doddappaiah, son of Muniswamy as third Respondent and the appeal is on the premise that whereas the sixth Respondent had sought for regularization of unauthorized occupation to an extent of 1 acre 10 guntas, what had been regularized is only 30 guntas and the Commissioner in Appeal while had affirmed grant of 20 guntas in favour of the Temple Trust of which the third Respondent in the appeal, namely, Doddappaiah was the Managing Trustee or person in charge etc.

2. In the interregnum, it appears the subject land had come to be acquired for the purpose of forming an industrial estate by the Karnataka Industrial Areas Development Board and the Board having distributed compensation in favour of persons in occupation of the land whether authorized, unauthorized, whether Government lands or otherwise and the sixth Respondent having received a cheque for total sum of 41,10,000/- which it is clarified by Sri. Sadashivareddy, Learned Counsel for the sixth Respondent to be representing the compensation to an extent of 30 guntas in favour of the sixth Respondent and also compensation in respect of an extent of 33 guntas of land which belonged to his brother A D Ramappa which had also been acquired and the sum of 23,00,000/- representing compensation for that land which according to the sixth Respondent has already been made over to said A D Ramappa.

3. The manner in which the Assistant Commissioner has passed the impugned order at Annexure-F is only indicative of the careless manner in which the revenue officials function and the haste with which the Special Land Acquisition Officer attached to Karnataka Industrial Areas Development Board [for short "the Board"] has gone about distributing compensation in favour of persons whose name if at all figured as Anubhavdar when the land was even as per the notification shown to be Government land or gomal land, which only indicates that there is something radically wrong in the system and wherever big money is involved, lot of irregularities, illegalities, outright fraud and deception can take place.

4. The appeal filed by the sixth Respondent before the Assistant Commissioner though is slated to be as appeal u/s 136[2] of the Karnataka Land Revenue Act, 1964, [for short "the Act"] in the counter filed on behalf of the Respondents 1 to 4 - State Government and statutory functionaries and placed before the court today by Sri. Omkumar, learned Additional Government Advocate: also proceeds on the premise that it was an appeal u/s 136[2] of the Act and therefore the

Petitioner could have availed of the remedy of revision u/s 136[3] of the Act etc., Mr. Omkumar, learned Additional Government Advocate appearing for these Respondents seeks to clarify that in reality the appeal was not one u/s 136[2] of the Act but should have been u/s 49 of the Act and therefore a further appeal could lie u/s 50 of the Act.

5. While this may be the possibility in terms of the Karnataka Land Revenue Act, 1964, the manner in which this statement of objections is placed before the court today on behalf of Respondents 1 to 4 is also yet another symbol of the careless and irresponsible manner in which not only the Government officials functioning but are also advised and guided by their lawyers. The brazenness with which the Petitioner asserts that he had made an application in respect of land in Sy. No. 66 whereas in the application at four places is mentioned it to be as Sy. No. 82 and the haste with which the Board has distributed compensation inspite of some objections in which event the matter should have been referred to the civil court for resolution and even the speed with which the sixth Respondent has spent huge amount of ? 21,00,000/- and submits before this Court that he is not left with any amount even to deposit the balance amount to await result of the writ petition, are all only symbols of the improper ways things happen in our society. There appears to be no commitment to conduct properly, to do proper things, but whenever there is an opportunity to grab some land or money, leave no effort and to come up with all sorts of version in a brazen manner even with incorrect, misleading, outright false affidavit before the court and the High Court's time being spent on such frivolous matters at the instance of people without bonafides.

6. It is rather unfortunate that public authorities and even the State Government has not proved to be any better and more often than not the Officials of the State Government are in collusion with such fraudulent acts.

7. The Board on its part which claims it has gone about acquiring an extent of 249 acres as submitted by Sri. Praveen G Adagatti, Learned Counsel is vary of placing any material before the court as to what exactly was the plan and scheme of the Board before embarking on the acquisition, as to what kind of industries it had in its mind for being developed in the area and as to in what manner facilities for such industries including the basic facilities like water, power, raw material etc., was available in the vicinity of the area to be developed as an industrial area, only shows that there is no professionalism, no commitment, things are very opaque, no transparency in the activities of the Board and on the other hand the Board is exhibiting great urgency in distributing the compensation at huge sum or the rate only shows that the officials of the Board whether only at the level of the Special Land Acquisition Officer deputed from the revenue department to function as such in the Board as representative of the State or even" higher officials of the Board are not functioning with any commitment or integrity but manipulate things for other considerations which is a very sorry state of affairs that prevail in the functioning of the State Government and the

Board and Corporations under the control of the State Government.

8. While this writ petition is dismissed, manner in which the officials of the State Government and the officials of the Board have gone about in notifying the agricultural land upto 249 acres for being acquired to develop it as an industrial area in the year 2008, but having not completed acquisition proceedings for any worthwhile purpose so far, is a matter which requires to be investigated in a proper and detailed manner by an independent investigating agency not only to ensure such recurrence of incidents are prevented in future if things are not alright, but also to bring to book the erring and misconducting officials of the State Government and the Board.

9. Therefore, the Registrar General of this Court is directed to forward a copy of this order to the Karnataka Lokayukta for taking up investigation at its end on the aspect of acquisition proceedings embarked by the State and by the Karnataka Industrial Areas Development Board for the purpose of developing industries in and around Karinayakanahalli, Kasaba Hobli, Malur Taluk and also as to the manner in which the compensation amount has been distributed amongst bonafide owners or bogus claims or other persons.