
(2017) 02 KAR CK 0278

In the Karnataka High Court

Case No : 877-878 of 2016 (LA-KIADB) AND WRIT APPEAL NOS 3310-3312 of 2016

Nandi Infrastructure Corridor Enterprise Ltd., & Anr.

APPELLANT

Vs

Lakshman, & Ors.

RESPONDENT

Date of Decision : 23-02-2017

Acts Referred:

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

Citation : (2017) 02 KAR CK 0278

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

Bench : DIVISION BENCH

Advocate : R.V.S.Naik, D.N.Nanjunda Reddy, A.V.Nishanth, V.Sreenidhi

Final Decision : Dismissed

Judgement

1. The application for leave to prefer the appeals is taken up for hearing.
2. The application is filed by Nandi Infrastructure Corridor Enterprises Limited for leave to prefer the appeals against the judgment and order dated February 22, 2016, allowing the writ petitions holding, inter alia, that the State had abandoned the land-in-question from acquisition proceedings and it would be available for the land owner for his use and occupation.
3. Mr.R.V.S.Naik, learned advocate appearing for the appellants, strenuously, argues that the land was sought to be acquired for the benefit of the appellants and, therefore, the appellants are necessary parties before the Hon"ble Single Judge. Therefore, these appeals are filed along with an application for leave to prefer the appeals.
4. Our attention is drawn to the gazette notification issued by the Secretary, Commerce and Industries Department, under Section 28(1) of the Karnataka Industrial Areas Development Act, 1966. It is clear from the said notification that the State Government needed those lands for the purpose of formation and

development of the industrial areas by the Karnataka Industrial Areas Development Board ("KIADB", in short). There is no reference of the appellants in the said notification.

5. From the material on record, we are not satisfied that the land was sought to be acquired for the benefit of the appellants.

6. Mr.Naik, submits that in the notification dated June 2, 1999, there was an embargo from creating any encumbrance of the property without prior permission of the Special Land Acquisition Officer, (BMICP), KIADB, Bengaluru, and submits that it shows that it was sought to be acquired for the purpose of Bengaluru - Mysuru Infrastructure Corridor Project ("BMICP" in short), which is implemented by the appellants. Mr.Naik, submits that as in the notification reference was made to the Special Land Acquisition Officer dealing with BMICP cases, it should be presumed that the acquisition was for the benefit of the appellants.

Mr.Naik, further, submits that before the Hon"ble Single Judge it was submitted by the learned advocate appearing for the State respondents that this acquisition was for the purpose of BMICP.

7. The submission made by the learned advocate appearing for the State respondents is an oral submission at the stage of hearing of the writ petitions. There is no material in support of such contention. We hold that such contention is without any basis of any records.

8. Therefore, the application for leave to prefer the appeals is dismissed. The application for condonation of delay in filing the appeals is dismissed. Consequently, the appeals are, also, dismissed.

9. In view dismissal of the appeals, the pending interlocutory application does not survive for consideration and is, also, dismissed.

10. We make no order as to costs.