

(2015) 08 KAR CK 0134

In the Karnataka High Court

Case No : Writ Petition No. 6198 of 2015 (LA-KIADB)

Ningamma

APPELLANT

Vs

State of Karnataka and Others

RESPONDENT

Date of Decision : 25-08-2015

Acts Referred:

Karnataka Industrial Areas Development Act, 1966 — Section 29, 29(2)

Citation : (2015) 6 KarLJ 328

Hon'ble Judges : Ram Mohan Reddy, J.

Bench : Single Bench

Advocate : Srihari A.V., Advocate, for the Appellant; Y.D. Harsha, Additional Government Advocate and P.V. Chandrashekar, Advocate, for the Respondent

Judgement

Ram Mohan Reddy, J.—Petitioner is assailing the general award dated 30th December, 2013, Annexure-A, of the 3rd respondent-Karnataka Industrial Area Development Board (for short, "KIADB") insofar as it relates to 1 acre 39 guntas in Sy. No. 444 of Cheeluru Village, Maralavadi Hobli, Kanakapura Taluk, Ramanagara District, on the premise that her claim for determination of compensation ought to be by way of an agreement under sub-section (2) of Section 29 of the Karnataka Industrial Areas Development Act, 1966 (for short, "KIAD Act") since willing to the enter into an agreement after having obtained a compromise decree dated 6-12-2014 in OS. No. 126 of 2013 whereunder the property in question is declared to be the absolute property of the petitioner. Sub-section (2) of Section 29 of the "KIAD Act" provides for determination of compensation by an agreement and in the light of the compromise decree whereunder, the property in question has fallen to the exclusive share of the petitioner, is entitled to such a consideration, since it is stated that by such an agreement, petitioner would be entitled to a better price as compensation instead of determination under a general award, while acquisition proceeding would attain a finality disentitling petitioner to challenge the same in this petition. In the circumstances, there is a need to interfere with general award Annexure-A insofar as it relates to petitioner's land.

2. In the result, this petition is allowed. General award Annexure-A insofar as it relates to petitioner is concerned is quashed. A direction shall ensue to respondent-KIADB to consider the case of the petitioner for determination of compensation by way of an agreement under Section 29(2) of the "KIAD Act" to be complied with as expeditiously as possible within an outer limit of 31st October, 2015. It is made clear that this order is applicable only if there is any dispute to title in the immovable property acquired and if there is one, the general award in respect of petitioner is concerned shall stand restored until the dispute is resolved.