

(2014) 08 KAR CK 0115

In the Karnataka High Court

Case No : Writ Petition No. 5953 of 2014 connected with Writ Petition No. 46920 of 2013 (LA-RES)

Raghavan

APPELLANT

Vs

State of Karnataka

RESPONDENT

Date of Decision : 02-08-2014

Acts Referred:

Land Acquisition Act, 1894 — Section 4(1), 5A

Citation : (2014) 5 KarLJ 409

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

Bench : Single Bench

Advocate : Mohammed Akhil and Sumanth L. Bharadwaj, Advocate for the Appellant; Venkatesh Dodderi, Additional Government Advocate and H.N. Shashidhara, Advocate for Kesvy and Company, Advocate for the Respondent

Judgement

A.S. Bopanna, J.—The petitioners in both these petitions are before this Court assailing the notification dated 12-4-2013 issued by the second respondent. The petitioners are also seeking that the respondents be directed to drop the acquisition proceedings in respect of the land belonging to the petitioners. The petitioner in W.P. No. 5953 of 2014 claims to be the owner of the property bearing Sy. No. 58/2P1 situate at Permannur Village, Mangalore "D" Hobli, Mangalore Taluk, Dakshina Kannada District. The petitioner in W.P. No. 46920 of 2013 claims to be owner of the property bearing Sy. Nos. 107-11, 107-12AP1, 107-AP2, 107-12AP3, 107-12AP4 and 107-12B situate at Ullala Village, Mangalore Hobli, Mangalore Taluk.

2. At the outset, it is necessary to notice that the notification dated 12-4-2013 impugned in these writ petitions is the preliminary notification issued under Section 4(1) of the Land Acquisition Act, 1894. Hence, the respondents have at the outset raised a contention that the petitions are premature. The petitioners however contend that a communication dated 12-5-2014 was addressed to the Deputy Commissioner stating therein that the fourth respondent was not

desirous of proceeding further with the project and the land in question was not required.

3. The learned Government Advocate as also the learned Counsel for the fourth respondent have filed their objection statement. Though all contentions urged in the writ petitions has also been adverted in the objection statement, keeping in view the fact that this Court at this juncture would have to notice as to whether the petitions are premature or not, the contention in that regard is noticed. In this direction, the objections filed by the respondents would indicate that they intend to proceed further with the project and the respondents 1 to 3 have more specifically stated that the communication addressed to the Deputy Commissioner is not acceptable and the proceedings are to be continued.

4. If that be the position, though the learned Counsel for the petitioners contend that the land is not suitable and also that there are other Government lands available for the said purpose, it is not necessary for this Court to go into those aspects at this juncture, since all such contentions would be available to the petitioners to be urged in Section 5A enquiry, wherein the contentions would be adverted to by the Land Acquisition Officer and an appropriate decision would be taken. It is only if the objections are not considered in accordance with law and if a grievance arises thereafter, the petitioners can raise such issues in the appropriate judicial proceedings. Hence, leaving open all contentions and reserving liberty to the petitioners to put forth all contentions including the contentions urged in these writ petitions in the Section 5A enquiry, these writ petitions stand disposed of.