
(2014) 08 KAR CK 0018

In the Karnataka High Court

Case No : Writ Petition No. 30880 of 2014 (LA-KIADB)

Renukesh

APPELLANT

Vs

State of Karnataka

RESPONDENT

Date of Decision : 02-08-2014

Acts Referred:

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

Citation : (2014) 6 KarLJ 30

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

Bench : Single Bench

Advocate : Murugesh V. Charati, Advocate for the Appellant; Venkatesh Dodderi, Additional Government Advocate and B.B. Patil, Advocate for the Respondent

Judgement

A.S. Bopanna, J.—The petitioner is before this Court assailing the general award dated 20-12-2013 impugned at Annexure-C to the petition. The petitioner is also seeking for issue of directions to the respondents to consider the case of the petitioner in terms of Section 29(2) of the Karnataka Industrial Areas Development Act, 1966 (for short, "KIADB Act") and pass appropriate consent award. This petition lies in a narrow compass, only on the issue relating to the payment of compensation to the petitioner and the acquisition per se is not under challenge. The details of the lands acquired from the petitioner in Chachenahalli Village, Kora Hobli, Tumkur District, is also not in dispute.

2. The case of the petitioner is that since there was an agreement with regard to acquisition, the compensation should have been granted as provided under Section 29(2) of the KIADB Act by agreement and not by a general award as has been presently made. It is in that view, the petitioner contends that the impugned general award dated 20-12-2013 insofar as the petitioner's land is concerned is liable to be quashed and appropriate directions be issued.

3. The learned Counsel for the respondents has filed the statement of objections on behalf of respondents 2 and 3. The same is taken on record. A perusal of the same would indicate that respondents 2 and 3 are not averse to consider the

case of the petitioner and pass the award in terms of Section 29(2) of the KIADB Act. In fact, a specific averment has been made in this regard that the case of the petitioner would be considered accordingly. In that view of the matter, it is unnecessary to advert to further details as contended since it would be sufficient for this Court to quash the general award dated 20-12-2013 only insofar as it relates to the compensation determined in respect of the land belonging to the petitioner and direct respondents 2 and 3 to pass the consent award in terms of Section 29(2) of the KIADB Act. Accordingly, the general award dated 20-12-2013 stands quashed insofar as the compensation awarded in relation to the site belonging to the petitioner. A direction is issued to respondents 2 and 3 to consider the case of the petitioner for award of compensation in terms of Section 29(2) of the KIADB Act. The said exercise shall be completed in an expeditious manner.

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