

(2010) 12 KAR CK 0029

In the Karnataka High Court

Case No : Writ Petition No. 11955 of 2008 (LA-KIADB)

Smt. Anasuya Bai

APPELLANT

Vs

State of Karnataka and Others

RESPONDENT

Date of Decision : 09-12-2010

Acts Referred:

Citation : (2011) 4 KCCR 3403

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

Bench : Single Bench

Advocate : G. Balakrishna Shastry, for the Appellant; Venkatesh Dodderi, Additional Government Advocate and Sri. S.V. Angadi, for the Respondent

Judgement

D.V. Shylendra Kumar, J.—Petitioner-landowner has questioned the acquisition proceedings in respect of her land bearing Sy. No. 123/1, measuring 4 acres 9 guntas and Sy. No. 123/2 measuring 1 acre, located at Anaganahalli Village, Belagola Hobli, Srirangapatna Taluk in Mandya District, which is sought to be acquired by the State Government/KIADB for the purpose of developing an industrial area in about 153.10 acres of land in Anaganahalli and Pura Villages, in terms of preliminary notification dated 15-5-2000 and a declaration u/s 28(4) of Karnataka Industrial Areas Development Act, 1966 on 13-5-2005.

2. While KIADB is on an acquisition spree of lands and is acquisition agricultural lands in the name of developing such lands into industrial areas etc., many such lands acquired and sought to be converted as industrial areas, even after allotment of plots laid out in such areas, to individual industrialists have not really served the purpose, for the reason that many such industries have failed and many of them may have become defunct and no worthwhile industrial activity taking place in such industrial areas. It is only real productivity from such industries, which can justify the acquisition of private lands for public purposes, and it is only when such industries are active, they can provide employment opportunities to workforce, which is mainly comprised of residents in and around the industry, and it also adds to the wealth of the nation by productivity.

3. When once an industrial area is developed, it is the responsibility of the board to ensure its optimum utility and if a particular industry goes out of production or activity, it is the responsibility of the board to ensure that the industrial land is put to proper use by reallocoting such lands in favour of any other entrepreneurs and to ensure that industrial activities take place in industrial areas and a land allotted by the Board for industrial activity is not diverted for other uses.

4. It is only when the board finds the need for developing an industrial area in accordance with its overall industrial plan for the entire State and that additional areas are required to be developed as industrial area in a particular area or region there can be justification for the board to embark upon acquisition of more lands and on the other hand, when even the lands already acquired lands are either not developed as industrial areas or have not been put to optimum utility, there cannot any justification for embarking on further acquisition of additional lands/areas, in the name of developing such lands also as industrial areas, and such ill-conceived acquisition proceedings cannot be said to sub-serve the purpose and objects of the Act.

5. The respondent-Board is, therefore, directed to place on record the information relating to the extent of lands that had been acquired in Mandya District for being developed as industrial areas and what is the present status of all such lands and also to furnish the facts and figures relating to number of industries existing as on date in such industrial areas, workforce employed by such industries and the extent of production by such industries.

6. The Board is directed to place on record the facts and figures relating to Belagola Industrial area developed by it, in and around which lands are presently sought to be acquired.

7. List this matter for such purpose and for further orders on 15-12-2010.

8. Registry is directed to furnish a copy of this order, free of costs, to Sri S.V. Angadi, learned Counsel for the respondent-Board.