

(2010) 12 KAR CK 0016

In the Karnataka High Court

Case No : Writ Petition No's. 14723 of 2007, 5382 of 2008, Miscellaneous Writ 5590 of 2010 and Miscellaneous Writ No. 10903 of 2010 in Writ Petition No. 5382 of 2008

Smt. Chinnamma

APPELLANT

Vs

State of Karnataka and Others

RESPONDENT

Date of Decision : 15-12-2010

Acts Referred:

Karnataka Industrial Area Development Act, 1966 — Section 28 (1), 28 (2), 28 (3)

Citation : (2011) 2 KCCR 1350

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

Bench : Single Bench

Advocate : M. Shivaprakash, Writ Petition No. 14723 of 2007, M.S. Rajendra Prasad, in Writ Petition No. 5382 of 2008 and Miscellaneous Writ 10903 of 2010, M.S. Shyamsunder, M.S. Rajendra Prasad in Miscellaneous Writ 5590 of 2010, M. Shivaprakash, in Writ Petition No. 15813 of 2007 and B.S. Raghu Prasad, in Writ Petition No. 16509 of 2007, for the Appellant; H. Venkatesh Dodderi, A.G.A. for Respondents- 1 and 2, P.V. Chandrashekar, for Respondent 3 and Respondent 4, M. Shyamsundar, for Respondent 5 in Writ Petition No. 14723 of 2007, H. Venkatesh Dodderi, A.G.A. for Respondent 1, P.V. Chandrashekar, for Respondents 2 and 3 in Writ Petition No. 5382 of 2008 and Miscellaneous Writ 10903 of 2010, H. Venkatesh Dodderi, A.G.A. for Respondent 1, P.V. Chandrashekar, for Respondent 2 and Respondent 3, H. Venkatesh Dodderi, A.G.A. for Respondent 1, P.V. Chandrashekar, for Respondent 3 and Respondent 4, Shyamasundar, for Respondent 5 in Writ Petition No. 15813 of 2007, H. Venkatesh Dodderi, A.G.A. for Respondent 1 and P.V. Chandrashekar, for Respondent 2 and 3 in Writ Petition No. 16509 of 2007, for the Respondent

Judgement

D.V. Shylendra Kumar, J.

RE: WP No. 14723 of 2007:

1. Writ Petition by a person who claims ownership rights in land measuring an extent of 2 acres 14 guntas, comprised in Sy. No. 89/1 of Veerasandra village, Attibele hobli, Anekal taluk in Bangalore district.

2. Petitioner is aggrieved by the acquisition proceedings initiated by the State Government at the behest of Karnataka Industrial Areas Development Board in terms of a preliminary notification dated 27-8-2003 issued u/s 28(1) of Karnataka Industrial Areas Development Act, 1966 [for short, the Act], indicating an extent of 224 acres 33 guntas of land, is proposed to be acquired for a public purpose viz., for developing the IV Stage of Electronic city, located in Veerasandra and Hebbagodi villages.

3. This notification followed its course as per the provisions of Section 28(2) and (3) of the Act and reached the stage of the government issuing a declaration indicating that out of the extent of 118 acres 8 guntas is required for the public purpose notified and this notification is dated 14-5-2007 [copy at Annexure-C] to the writ petition.

4. It is at this stage, the Petitioner approached this Court complaining that the land bearing Sy No. 89/1, measuring 2 acres 14 guntas, situated at Veerasandra village, belonging to the Petitioner was one which was being used by the Petitioner for not only cultivating aromatic plants but also running a distilling unit in the very land for extracting oil from such plants and flowers; that the land of the Petitioner and other lands are sought to be taken over by the State and KIADB to sub-serve the interest of private persons, particularly in favour of M/s. J S Software India Pvt. Ltd., M/s. RGR Tech Park Pvt. Ltd., and M/s Goyal Projects Pvt. Ltd.; that even at the very beginning of the acquisition proceedings, such beneficiaries had been identified and for their benefit the power of acquisition of private lands for a public purpose available under the Act is exercised not only by the State Government but also by the board; that such acquisition proceedings are detrimental to the interest of the Petitioner; that the acquisition is not for either a public purpose nor a bona fide acquisition proceedings, initiated by exercising the statutory powers of the State and the board; that the entire proceedings are vitiated by not only misuse and abuse of powers under the statutory provisions, but also for being in violating of equality clause under Article 14 of the Constitution of India; that it is highly discriminatory and to the detriment of the poor land owners only to benefit rich industrialists etc., and on such premise, the writ petition is presented to this Court seeking for the following relief;

(i) issue a writ of certiorari and quash Annexure-B bearing No. CI 172 SPQ 2002 dated 27.8.2003, Annexure-C bearing No. CI 571 SPQ 2004 dated 14.5.2007, Annexure-H notification No. KIAD/LAQ 2007-08 issued u/s 28(8) dt. 18.7.2007 and Annexure-J notice issued u/s 28(6) dt. 19.5.2007 and consequently quash the entire proceedings under KIAD Act in respect of property bearing Sy. No. 89/1 owned by the Petitioner.

(ii) grant such other relief or reliefs as this Hon"ble Court deems fit and proper in the circumstances of the case and

(iii) cost of the proceedings.

5. Initially notices had issued to the Respondents on 26-9-2007 and interim stay of further proceedings in so far as the Petitioner's land was concerned had been granted by this Court.

6. While the State and its officer and the board and its land acquisition officer alone figured as Respondents 1 to 4 to the writ petition in the beginning, fifth Respondent on an application made in the petition, joined the fray as Respondent to the present writ petition in terms of the order dated 17-6-2010, reading as under:

This application is filed by the company claiming to be the beneficiary of the acquisition proceedings, which are the subject matter of the challenging in the writ petition. Although, Sri M. Shivaprakash, learned Counsel for the writ Petitioner seriously objects for allowing the application, nevertheless, in light of the fact that allegations are made in the memorandum of writ petition against the company which is seeking to implead as party Respondent, I think it appropriate to allow the application.

Application is allowed.

Applicant is permitted to brought on record as Respondent No. 5.

Petitioner to amend the cause title accordingly.

Petitioner to serve the copy of writ petition on the learned Standing Counsel for Respondent No. 5 and the said Respondent No. 5 is permitted to file statement of objections on or before 28.06.2010.

Thereafter, the petition was permitted to be amended as per the order dated 5-8-2010, reading as under:

Heard. No objections for allowing the application. For the reasons stated therein, the application is allowed. The Petitioner is directed to file amended writ petition after serving copies of the same on the learned Counsel for the Respondents who are permitted to file objections.

This was followed by a further order on 15-11-2010, when the learned Advocate General appeared for the State, and the petition was formally admitted by issue of rule in terms of the this order dated 15-11-2010, reading as under:

This petition is a tell-tale story of mismanagment, misapplication of statutory provisions, arbitrary exercise of statutory provisions, gross abuse of the provisions of the Karnataka Industrial Areas Development Act, 1966 [for short, the Act], not only by statutory functionaries functioning under this Act but also by political leaders who run the State holding constitutional posts such as chief minister, ministers for industries and commerce, ministers for other portfolios, former ministers, relatives and friends of ministers and former ministers etc., who have all influenced and played their roles in the functioning of the statutory authorities under the Act!

Except for the relevant considerations guiding acquisition proceedings, all other considerations have played their role in notifying initially an extent of 224 acres 33 guntas of agricultural land in and around Veerasandra and Hebbagodi villages of Anekal taluk in Bangalore district, comprised in several survey numbers, in terms of the notifications dated 27-8-2003, issued u/s 3 of the Act, which was accompanied by a preliminary notification of even date under the provisions of Section 28(1) of the Act in respect of the very same extent of land i.e. 224 acres 33 guntas.

However, the further developments even as revealed in terms of Annexure-O, which is an extract of the file proceedings of the State Government, indicate that at the behest of former ministers, present ministers and even present and former chief ministers, the extent of land sought to be retained for development as industrial area has come out to be drastically reduced over a period of time and ultimately it transpires that only an extent of 138 acres 8 guntas of land figured in the notification dated 14-5-2007, issued u/s 28(4) of the Act, declaring that such extent of land is required for being developed as an industrial area i.e. for the purpose of developing IV Stage of Electronic City.

Even after this and very strangely, on the very day, the State Government became active to issue another notification purporting to be u/s 4 of the Act, redefining the extent of land declared as industrial area originally contained as per the earlier notifications of the year 2003 and as per this notification dated 14-5-2007, an extent of 86 acres 19 guntas was sought to be excluded from the scope of industrial area.

This notification was followed by a further notification issued u/s 4 of the Act on 30-8-2007 to exclude a further 89 acres 24 guntas from the very scope of being described as an industrial area and while the further developments are not very clear, it appears, in terms of a notification that had been issued u/s 28(8) of the Act on 18-7-2007, the State Government had proposed to hand over possession of the land measuring an area of 29 acres 25 guntas to the Respondent-board for the purpose for which the lands were acquired for.

It is in this background, the present writ Petitioner has approached this Court seeking for quashing of the notifications, both for declaring the area as an industrial area and for acquisition of the lands thereafter, claiming that the Petitioner is the owner of an extent of 2 acres 9 guntas and had developed a cottage industry way back in the year 1985 and has been running the industry and the authorities oblivious of such development and cottage industry being run by the Petitioner, are riding roughshod over the rights and interest of the Petitioner: that the provisions of the Act are being misused and abused and are utilizing the provisions of the Act in a most arbitrary and whimsical manner to favour a few, particularly some persons who had approached the government pointing out a particular land in which they were interested to be acquired under this Act and to hand over the land/s to them and therefore the acquisition proceedings are all vitiated due to arbitrary exercise of power and the mala fide

conduct on the part of the Respondent, as the whole acquisition proceedings are misused for the benefit of a few identified persons who neither have any bona fides nor are real genuine persons seeking land for development of any industry, but who are on the other hand middlemen who are keen on using the land for real estate purpose etc.

Though notices had been issued to the Respondents way back on 27-9-2007 and there is an interim order of stay in so far as the Petitioner is concerned, further developments are that this petition was got clubbed with WP No 9699 of 2007, 9784 of 2007 and 15813 of 2007, as per order dated 8-8-2008 and whereafter as per order dated 17-6-2010, on an application filed M/s. J.S. Software India (P) Ltd., represented by its managing director Sri M.P. Rojagopala Reddy, for impleadment as a party Respondent, which came to be allowed and this applicant came to be added as fifth Respondent to the petition and permitted to file objections on or before 28-6-2010. Fifth Respondent is now represented by Sri M.S. Shyamsunder, Advocate, but no statement of objections is found in the record.

Further development is that as noticed by this Court on 21-9-2010, the amended petition was permitted to be filed as per the submission of learned Counsel for the Petitioner. Further this petition is being listed along with WP Nos. 15813 and 16509 of 2007.

The matter is heard extensively today. On behalf of the board and its acquisition officer, statement of objection is filed on 9-10-2009, contending, inter alia, that the writ petition is not tenable in law or on facts: that the very Petitioner had earlier filed WP No 9784 of 2007, questioning the very acquisition proceedings/ notifications but that had come to be dismissed as per order dated 2-9-2009 (copy at Annexure-R2 to the statement of objections] as not surviving for consideration in the wake of a memo filed by the learned Counsel for the Petitioner that the, first Respondent-State has dropped acquisition proceedings; that the present writ petition is filed without disclosing these developments and without even indicating that the Petitioner had not filed any earlier petitions on the same cause of action as contemplated in the High Court Writ Proceedings Rules and therefore petition is to be dismissed. It is also contended that notice u/s 28(2) of the Act had been served on the writ Petitioner and therefore further proceedings are binding on the Petitioner and not as though it is without the knowledge of the Petitioner etc.

Writ petition averments travels much beyond the cosmetic replies given by the Respondent-board and in terms of the additional material placed before this Court, by the writ Petitioner many more facts having come to light, which are not developments as of now, but developments that had taken place even prior to the years 2003, 2004, 2005, 2006, which information has become available to the Petitioner through the provisions of Right to Information Act, 2005 [RTI Act], which, perhaps, the authorities had been loath to part with earlier, but which they have been forced to part with due to the provisions of RTI Act, which call for

a proper and responsible response from the Respondents, but about which Respondents are silent!

Be that as it may, this matter calls for definite scrutiny in the exercise of judicial review of administrative action and therefore Rule is issued and the matter is, to be taken up for further hearing on 18-11-2010 at 2.30 pm.

It is also open to the secretary to government in the ministry of industries and commerce, who had been arrayed as second Respondent, to be present on behalf of Respondents 1 and 2 and the chairman of the Respondent-board also to be present before the Court on that day.

It is open to such of those Respondents who want to place any material or their version before this Court to file their statements, if any, by then. The State and the board to make available their original records relating to these cases before the Court.

List for further hearing on 18-11-2010 at 2.30 pm.

and the further developments in the matter was noted down in terms of the order dated 18-11-2010 reading as under:

Sri Venkatesh Dodderi, learned AGA, places before the Court the statement of objections on behalf of the State in these petitions.

Sri M.S. Shyamsunder, learned Counsel for fifth Respondent also files statement of objections on behalf of his client.

Sri Ashok Haranahalli, learned Advocate General, appearing for the State submits that the State Government is not averse to explore other possibilities to redress the grievance of the Petitioners and requests a week's time, within which such possibilities can be explored and even if the Petitioners are not willing for any proposal to be made on behalf of the State Governments, the Respondents are ready to defend their case on the merits of the matter.

Submission recorded.

List for such purpose on 30-11-2010.

The matter came up on 30-11-2010 and yet again on 2-12-2010 and on that day the Court made the following order:

Sri M. Shivaprakash, learned Counsel for the Petitioners, submits that though submissions had been made by the learned Advocate General, appearing for the State, on the last date of hearing of these petitions, and submitted that the State Government was exploring the possibilities of an amicable settlement, and particularly proposed a settlement of leaving some land of the Petitioners for the formation of a road, but during the course of negotiations, in which, the beneficiary also participated, the proposal was for giving up the entire extent of land belonging to Petitioners and that such beneficiary had offered to provide alternative land to the Petitioners in a different village, which proposal was not

acceptable to the Petitioners and therefore the matter will have to be heard.

Sri Venkatesh Dodderi, learned AGA, submits that the learned Advocate General is not available today and the matter may be taken up on 8-12-2010, on which date the learned Advocate General will be available at the principal bench of the High Court.

List on 8-12-2010.

and this Court passed a further order on 8-12-2010 when the matter was listed again, reading as under:

Sri Ashok Haranahalli, learned Advocate General, appearing for the State, requests the matter to be taken up on 14-12-2010, as in the meanwhile it is still open for the Petitioners and the officials of the Respondent-board to explore the remaining possibilities for an amicable resolution of the Petitioners' grievance in these petitions.

List on 14-12-2010.

7. As such the matter had been heard intermittently and the development for the day is that board having worked out some amicable arrangement with the Petitioner and a joint memo is prepared and produced before the Court, reading as under:

JOINT MEMO

The Petitioners, Respondents State of Karnataka, KIADB Bangalore and Special Land Acquisition Officer, KIADB, Bangalore submit as follows:

1. The details of the disputed extent of land involved in the above cases are as follows:

Sl. No.	Case No.	Sy. No.	Village	Extent	A-G
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1.	WP No. 14723/2007	89/1	Veerasandra	2-12	
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2.	WP No. 15813/2007	88 & 96/2	Veerasandra	1-23 3/4	0-08
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3.	WP No. 16509/2007	90	Veerasandra	1-24	
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4.	WP No. 5382/2008	97/2	Veerasandra	2-12	
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2. The Petitioners in W.P. No. 14723/2007 and W.P. No. 16509/2007 are willing to part with the land measuring an extent of 13 guntas in Sy. No. 89/1 and an extent of 19 guntas in Sy. No. 90 of Veerasandra for formation of a public road of 70 Feet including the existing road by the KIADB and thereby given up the challenge to the acquisition proceedings subject to payment of compensation to the extent land lost by the Petitioners in Sy. No. 89/1 in accordance with law.

3. The Respondents State of Karnataka, KIADB Bangalore and Special Land Acquisition Officer, KIADB, Bangalore have agreed to give up the acquisition

proceedings in the remaining extent of land involved in the above cases.

4. The rough sketch indicating the extent of lands required for formation 70 Feet width road including the existing road in Sy. No. 89/1 and 90 of Veerasandra is herewith produced for kind perusal of the Hon''ble Court.

Wherefore, the Petitioners, Respondents State of Karnataka, KIADB Bangalore and Special Land Acquisition officer, KIADB, Bangalore humbly pray that this Hon''ble Court be pleased to quash the acquisition proceedings relating to an extent of 1 acre 39 guntas in Sy. No. 89/1, 1 acre 23? guntas in Sy. No. 88, 8 guntas in Sy. No. 96/2, 1 acre 5 guntas in Sy. No. 90 and 2 acres 12 guntas in Sy. No. 97/2 of Veerasandra village, Anekal Taluk only in the interest of justice and equity.

Sd/- K H Seshagiri Under Secretary to Government Commerce and Industries Department industrial development Respondents State of Karnataka

Petitioners in WP No. 14723/2007

Sd/- Chief Executive Officer And Executive Member KIADB, Bangalore

Sd/- Special Land Acquisition Officer KIADB, Bangalore.

Petitioner in WP No 15813/2007

Petitioners in WP No 16509/2007

Petitioners in WP No 5382/2008

Sd/- H. Venkatesha Dodderi Government Advocate

Advocate for Petitioner in WP No. 14723/2007

Advocate for Petitioner in WP No. 15813 /2007

Sd/- P.V. Chandrashekhar Advocate for KIADB & SLAO

Advocate for Petitioner in W.P. No. 16509/2007

Advocate for Petitioner in W.P. No. 5382/2008

Place: Bangalore Date: 14-12-2010.

8. Sri Muniyappa, husband of Petitioner who is present before the Court has indicated that while the proposal in terms of the joint memo to retain acquisition proceedings only in respect of an extent of 13 guntas in Sy. No. 89/1 and an extent of 19 guntas in Sy. No. 90 of Veerasandra village, by the State and the board for formation of a public road measuring 70 feet including the existing road formed by the board and while such a proposal does substantially benefits the Petitioner, it is nevertheless an injurious development to the Petitioner inasmuch as the land which is proposed to be acquired does lie in that part of the Petitioner's land where her unit producing aromatic oil is located; that the acquisition of land even to this limited extent will still substantially affect the

ability of the Petitioner to run her unit and will also affect the growth of aromatic plants in the land etc.

9. It also transpires that the initial proposal for acquiring an extent of 224 acres and 33 guntas of land, has fizzled out to be an exercise for taking possession of land, limited to an extent of 29.25 acres of land in terms of a notification issued u/s 28(2) of the Act [copy at Annexure-H to the writ petition], wherein figures the land comprised in 14 survey numbers of Veerasandra village and not in the other village and here also in so far as the Petitioner's interest in Sy. No. 89/1 figures at Sl. No. 13 of the schedule to the proceedings of the special land acquisition officer, the proposal now in terms of the joint memo is to retain only an extent of 13 guntas in this survey number and to give up acquisition proceedings in respect of the rest of the lands.

10. The manner in which the board very courageously and enterprisingly embarked upon the adventure or if one may describe it as a misadventure, to acquire an extent of 224.33 acres of agricultural land and other converted land in these two villages, has undergone a metamorphosis in the board and the government periodically giving up one land after the other from the purview of acquisition and though under the declaration issued u/s 28(4) of the Act, an extent of 138.08 acres of land was covered and ultimately it is now conceded by the board that it will be able to implement its project/plan for so-called IV Stage of Electronic City, only in respect of an extent of 29.25 acres of land, in terms of Annexure-H!

11. However, this factual aspect is sought to be disputed by Sri P.V. Chandrashekar, learned Counsel for the Respondent-board, pointing out the additional statement of objections filed on 18-11-2010, wherein it is, no doubt, mentioned that the board is able to possess the land to the extent of 48.23 acres.

12. Be that as it may, the manner in which the acquisition proceedings have gone on leaves much to be desired. Though the acquisition proceedings is ostensibly for a public purpose viz., development of IV Stage of Electronic City and is the name given to the acquisition proceedings, during the course of the acquisition proceedings, it has transpired that it is the fifth Respondent who is more interested in the acquisition proceedings, much more than either the State Government or the Board.

13. An acquisition proceeding by exercising powers under the statutory provisions of the Act cannot be definitely for a private benefit of any individual or any industry, but it should be really for a public purpose. In a welfare egalitarian State, where the responsibility of the State is to take care of all its citizens and more so in respect of underprivileged, downtrodden, helpless gullible agriculturists, on the other hand, there appears to be a trend developing on the part of the State to keep favouring the rich, powerful, multinational companies, industrialists, industrial houses and so on and so forth, and even the board and the State Government, patronizing such private development projects appear to

be the trend of the day.

14. Such instances are nothing short of a gross misuse, abuse of statutory powers by the board and the State Government. All powers vested in any authority is expected to be exercised/used only for the benefit of public good and for maintaining public order and for achieving the welfare of the entire society. Benefit for a few individuals are definitely not either for the welfare of the society nor can it be characterized as for a public purpose.

15. In the present writ petition, though the board has worked out a patch up settlement and it is sought to be placed before the Court today, there is a murmur of discontent on the part of the Petitioner and it is obvious that the Petitioner is not fully satisfied, but has been muscled into accepting this alternative may be, perhaps, because the Petitioner is dangled the carrot enabling her retain a substantial portion of the land, which was initially proposed for acquisition.

16. It is not the criterion as to what extent of the land belonging to the Petitioner is retained or what extent of land the owner has to yield in favour of acquisition proceedings for the benefit of a larger public interest, but the question always is as to whether the power of acquisition under the Act is utilized and applied for the benefit of a real/genuine public purpose and a public authority does not use or abuse the power, for favouring private individuals or private industries.

17. The present practice of the board identifying the beneficiaries even in advance is a very unhealthy trend and is indicative of the trend on the part of authorities particularly the statutory authorities under the Act yielding to private pressures and acting for their benefit or gain. A development of this nature while is definitely not a healthy development, but is disastrous to the maintenance of law and order and is definitely anathema to the equality clause enshrined in Article 14 of the Constitution of India.

18. While the State is always mandated by the constitution to treat all citizens equally, exercise of the State powers for acquisition of private lands which is an inroad into the private rights of citizens and can even be characterized as an exception to the enforcement of rule of law, is allowed only to the limited extent of the acquisition being solely and exclusively for a definite public purpose. When it is demonstrated before the Court and even otherwise this Court has noticed that the acquisition proceedings initiated by the State Government at the behest of the board has not gone on proper lines and on the other hand the proceedings and the power are misused for the benefit of private interest, acquisition proceedings can never be sustained, though the present Petitioner, perhaps, might have been ready and willing to the proposal as per the joint memo, it is not possible for this Court to act on this joint memo, as it is not merely the interest of the Petitioner that is examined in such matters, but the judicial review is of the administrative action and the manner of exercise of statutory power by Respondents 1 to 4 and it is not the Petitioner's interest alone that is in focus in

the present petition and definitely not the interest of the fifth Respondent, assuming that the fifth Respondent claims some interest in the subject matter, as a possible beneficiary.

19. It is, therefore, that the joint memo is not acted upon and the acquisition proceedings having been held to be vitiated by legal mala fides, by abuse and misuse of statutory powers by the State and the board, acquisition proceedings in terms of the declaration u/s 28(4) of the Act and all further proceedings thereafter are quashed by issue of a writ of certiorari.

20. Writ petition is accordingly allowed, levying cost of Rs. 25,000/- (Rupees twenty-five thousand only) on Respondents 1 to 4, which is to be paid to the Petitioner or to be deposited before this Court by the Respondents 1 to 4, and on such deposit, Petitioner is permitted to withdraw the amount through her Counsel. The cost to be paid or deposited within four weeks from today, failing which, the registry is directed to issue a certificate in favour of the Petitioner for recovery of the cost, as though it is a decree passed by a Civil Court Rule made absolute.

RE: W.P. No. 15813 & 16509 of 2007

21. The Petitioners in WP No 15813 of 2007 have sought for the following relief:

i) Issue a writ of certiorari and quash Annexure F bearing No. CI 172 SPQ 2002 dated 27.8.2003, Annexure H notification bearing No. CI 571 SPQ 2004 dated 14.5.2007, Annexure J notification issued u/s 28(8) dt. 18.7.2007 and Annexure G bearing No. CI 172 SPQ 02, 27/8/03 and G1 bearing No. CI 172 SPQ 02, 16.9.03 consequently quash the entire proceedings under KIAD Act in respect of property bearing Sy. No. 88 & 96/2 owned by the Petitioner's;

(ii) Issue of writ of Mandamus to Respondent- KIADB authorities to consider the representation made by the Petitioner marked as ANNEXURE - K, K1, K2 series and to pass appropriate orders taking into considerations overall development of the property bearing Sy. No. 88 and 96/2. Also taking into consideration ANNEXURE - L & LI wherein adjoining and surrounding lands were indiscriminately notified and denotified.

(iii) Grant such other relief or reliefs as this Hon"ble Court deems fit and proper in the circumstances of the case; and

(iv) Cost of the proceedings in the interest of justice and equity.

and the Petitioners in WP No 16509 of 2007 have sought for the following relief:

(a) a writ in the nature of certiorari quashing notification dt: 27.08.2003 bearing No. CI:172:SPQ:2002 produced as Annexure B, notification dt: 27-8-2003 bearing No. CI:172:SPQ:2002 produced as Annexure C, and notification dt: 14.5.2007 bearing No. CI:571:SPQ:2004 and produced as ANNEXURE-D in so far as it pertains to Sy. No. 90 of Veerasandra Village, Hebbagodi Hobli Anekal Taluk, Bangalore District.

(b) Issue such other writ or direction as this Court deems fit in the circumstances of the case.

(c) Direct the Respondents to pay costs of the writ petition.

22. The facts and prayer sought for in these petitions are similar to the above writ petition [WP No. 14723 of 2007] and therefore these two petitions also deserve to be allowed for the very same reasons and on the very same terms.

23. Accordingly, these two writ petitions are allowed and the impugned notifications are quashed by issue of a writ of certiorari, levying cost of 25,000/- (Rupees twenty-five thousand only) on the to the Respondents -- State and the board and its officers, which is to be paid to the Petitioners or to be deposited before this Court by Respondents -- State and the board and its officers and on such deposit, Petitioners are permitted to withdraw the amount through their Counsel. The cost to be paid or deposited within four weeks from today, failing which, the registry is directed to issue a certificate in favour of the Petitioners for recovery of the cost, as though it is a decree passed by a Civil Court. Rule made absolute.

RE: WP No. 5382 of 2008:

24. The Petitioner in this petition has sought for the following relief::

(a) quash the notice No. LAQ 32/05-06, dated 4.4.05 and also the Public Notice issued in Bangalore/SLAO/1459/2007- 08, dated 07.09.2007 sofar as it relates to the subject land as per ANNEXURES-A and B respectively.

(b) issue any other Writ or order or direction as this Hon''ble Court may deems fit to grant in the circumstances of the case, to meet the ends of justice.

25. The manner in which the acquisition proceedings have gone on under the notifications questioned in this writ petition is not much different from the course of action that the notification quashed as per the above order passed in WP No. 14723 of 2007 which I have examined in good detail.

26. The material difference is that the Petitioner claims interest in land bearing Sy. No. 97/2 of Veerasandra village, measuring 2 acres 12 guntas, which was amongst other lands, subject matter of preliminary notification dated 15-3-2005 [copy at Annexure-A to the writ petition], issued for acquisition of a total extent of 17 acres 22 guntas of land, whereas the declaration u/s 28(4) of the Act issued on 7-9-2007 (copy at Annexure-B to the writ petition) was limited to an extent of 2 acres 12 guntas. The ostensible purpose for which the lands were proposed to be acquired is vague and bears the general description of industrial area development.

27. What has remained for such wonderful development of industrial area in terms of the declarations is a very meager extent of 2 acres 12 guntas and it is not known or revealed by the board for whose benefit this exercise is being undertaken!

28. With the credentials of the State Government and the board having been exposed and as noticed by this Court in a series of writ petitions, utilization of the very potent and draconian power of compulsory acquisition of private lands in the name of public purpose, If is to be exercised for a mere extent of 2 acres 12 guntas, that is proof of the private interest to be sub-served, which is either deliberately well covered or concealed by the board and is not revealed before the Court in spite of this Court having admitted the writ petition by issue of rule and even after calling upon the board to place the relevant record, before this Court.

29. Be that as it may, the manner in which the statutory power has been exercised for acquisition of an extent of 2 acres 12 guntas of land belonging to the Petitioner alone and that the Petitioner quite naturally is aggrieved and having come before this Court for the relief as extracted above, the scrutiny having only revealed misuse, malafide use and abuse of the statutory powers for private gains, acquisition proceeding is vitiated and therefore cannot be sustained.

30. The result cannot be any different in this petition and therefore this petition is also allowed and the impugned notifications are quashed by issue of a writ of certiorari, levying cost of Rs. 10,000/- (Rupees ten thousand only) on the Respondents-State and the board and their officers, which is to be paid to the Petitioner or to be deposited before this Court by Respondents-State and the board and its officers and on such deposit, Petitioners are permitted to withdraw the amount through his Counsel. The cost to be paid or deposited within four weeks from today, failing which, the registry Is directed to issue a certificate in favour of the Petitioner for recovery of the cost, as though it is a decree passed by a Civil Court. Rule made absolute.

31. Misc. W 5590 of 2010 for impleading is, perhaps, one more for revealing the person who claims as the beneficiary and Misc. W. 10903 of 2010 for additional grounds, neither needs examination nor survive for consideration in view of the above order and they are also dismissed.