

(2011) 01 KAR CK 0008

In the Karnataka High Court

Case No : Contempt of Court Case No. 637 of 2010 (CIVIL)

Smt. Gangahanumakka Complainant

APPELLANT

Vs

Sri Siddaiah and Another

RESPONDENT

Date of Decision : 03-01-2011

Acts Referred:

Citation : (2011) 1 KCCR 658

Hon'ble Judges : Ravi Malimath, J;N. Kumar, J

Bench : Division Bench

Advocate : Padmanabha Mahalya for A. Sai Prakash, for the Appellant; Praveen Kumar Raikote, for Respondents-1 and 2, for the Respondent

Final Decision : Dismissed

Judgement

N. Kumar, J.—This complaint is filed complaining that there is a disobedience of the order dated 03.12.2009 passed by this Court in W.P. No. 34778/2009. This Court by the said order directed the authorities to consider the representation filed by the Petitioner for grant of alternative site vide Annexures-C and F dated 30.10.2008 and 02.09.2009 respectively in accordance with law and on merits at an early date. In pursuance of the said order, the authorities have issued Annexure-R1 rejecting the requests of the Petitioner for grant of alternative site for the reasons set out in the said endorsement. Aggrieved by the same, the complainant is before this Court.

2. The learned Senior Counsel appearing on behalf of the Appellant's Counsel submits that the authorities have not complied with the order passed by this Court inasmuch as they have not considered the representation filed by the Petitioner for grant of 60% in lieu of the land which was acquired and also not granted an alternative site. There is disobedience.

3. It is clear from the endorsement issued that the authorities have declined to grant any site alternative or otherwise. According to them, the road is formed in the Government kharab land. In other words, they have declined to entertain the

claim made by the complainant. If the said endorsement unjustly declines to entertain the claim of the Petitioner, the remedy open to the Petitioner is to challenge the endorsement and seek appropriate directions. Once the authorities have considered the representations and have passed the orders, the question of disobedience of the directions would not arise.

4. In that view of the matter, we do not see any merit in the complaint. Accordingly, it is dismissed.