
(2013) 02 KAR CK 0027

In the Karnataka High Court

Case No : Writ Petition No. 100038 of 2013 (LA-Res) connected with Writ Petition No's. 100001, 100002, 100068 and 100043 of 2013 (LA-Res)

Smt. Khaledaamjum

APPELLANT

Vs

State of Karnataka and Others

RESPONDENT

Date of Decision : 27-02-2013

Acts Referred:

Constitution of India, 1950 — Article 300-A

Citation : (2013) 3 KarLJ 337

Hon'ble Judges : N. Kumar, J

Bench : Single Bench

Advocate : Sriyuths R.J. Bhusare, B.V. Jalde, Ameet Kumar Deshpande and Amresh S. Roja, for the Appellant; Sriyuths Shivakumar R. Tengli, Additional Government Advocate, P.S. Malipatil, A. Vijaykumar and R.A. Patil, for the Respondent

Judgement

N. Kumar, J.—In these batch of writ petitions, petitioners have prayed for a direction to the respondents not to demolish building and structure built on their properties situated at Jewargi Cross, MSK Mill Road, Gulbarga. The grievance of the petitioners is that they have put up shops, shopping complexes and houses on their properties. Either they themselves are in possession or they are in possession through the tenants. When the said lands were sought to be notified for acquisition and taken possession forcibly, some of them have gone to Civil Court, filed suits and obtained orders of injunction. In spite of the same, the respondents are trying to dispossess the petitioners from their respective properties and attempted to demolish the structures for the purposes of widening the roads. Therefore, they contend the right to property being a constitutional right under Article 300-A of the Constitution of India, even if the Government wants to compulsorily acquire the land, they should do it so in accordance with law and pay compensation to them. The respondents have no right to take law to their hands and dispossess the petitioners or demolish the building, even if it is required for the purposes like widening of the roads.

2. Learned Counsel appearing for respondents submits that it is true that they intend to acquire the petitioners' properties for the purposes of widening the road. They submit that they will not take possession of the petitioners' properties nor demolish the petitioners' properties forcibly without initiating acquisition proceedings. The authorities are in the process of collecting requisite information and once all the information is available to them, they will proceed to acquire the land under the provisions of Land Acquisition Act, 1894 and hear the petitioners thereafter, pass award paying them compensation. The apprehension of the petitioners that the respondents are taking the law to their hands and attempting to take away the petitioners' properties except in accordance with law is without any substance. In the light of the aforesaid stand of the respondents, I pass the following.--

ORDER

(a) The writ petitions are allowed in part.

(b) The respondents shall not take possession or demolish the properties of the petitioners without initiating acquisition proceedings under the provisions of the Land Acquisition Act, 1894 and the properties shall be acquired in accordance with law.