

(2013) 08 KAR CK 0236

In the Karnataka High Court

Case No : Writ Petition No. 6316 of 2011 (LA-BDA)

Smt. N. Leelavati

APPELLANT

Vs

State of Karnataka and Others

RESPONDENT

Date of Decision : 13-08-2013

Acts Referred:

Land Acquisition Act, 1894 — Section 48

Citation : (2013) 5 KarLJ 374

Hon'ble Judges : Ashok B. Hinchigeri, J

Bench : Single Bench

Advocate : Sumana Baliga M, for the Appellant; H.T. Narendra Prasad, Additional Government Advocate and C.R. Gopalaswamy, for the Respondent

Judgement

Ashok B. Hinchigeri, J.—Sri C.R. Gopalaswamy, the learned Counsel appearing for the respondents 2 and 3 files a memo duly signed by himself and by the Special Land Acquisition Officer, Bangalore Development Authority. The memo is taken on record. The memo reads as follows: The Bangalore Development Authority in its Board meeting dated 18-12-2010 vide No. 440 of 2010 has resolved to give up the revenue sites situated in "Nadaprabhu Kempe Gowda Layout" in favour of the respective owners who have purchased the same prior to preliminary notification and thereafter resolved to request the Government to take necessary action u/s 48 of the Land Acquisition Act, 1894. In pursuance of the said resolution, the Bangalore Development Authority has requested the Government of Karnataka through a letter dated 17-8-2011 vide No. BDA/ALAO/1580/201-12 and thereafter through a reminder dated 3-8-2013.

It is submitted that the petitioner is the owner of the revenue site and has purchased the same prior to preliminary notification dated 21-5-2008 through the registered sale deed.

This respondent submits that the Hon'ble Court may please to direct the petitioners to produce his original sale deed for verification at the time of consideration of his case.

Therefore the matter could be disposed of with such observations subject to decision of the Government.

Sri H.T. Narendra Prasad, the learned Additional Government Advocate for the first respondent State Government submits that the BDA has sent one more letter, dated 3-8-2013 furnishing the name of the site holder, site number, the extent of the site and other particulars. The said letter is received by the Government on 5-8-2013. He submits that the BDA's proposal would be considered in accordance with law. He seeks three months' time for taking a decision in the matter. 2. Recording the memo filed and the submissions made on behalf of the respondents, I dispose of this petition with a direction to the State Government to consider the BDA's proposals contained in its letters dated 17-8-2011 and 3-8-2013 for the withdrawal of the site from acquisition in accordance with law and as expeditiously as possible and in any case within an outer limit of three months from the date of the issuance of the certified copy of today's order. The Government shall communicate its decision to the petitioner, as soon as it passes the orders.

3. All the parties are directed to maintain status quo in respect of possession till the State Government takes a decision in the matter. Needless to observe that all the contentions are kept open. No order as to costs.