

(2017) 09 KAR CK 0038

In the Karnataka High Court

Case No : 1795 of 2016 & WRIT APPEAL NO 3650 of 2016 (LA-KIADB)

SPECIAL OFFICER THE KARNATAKA INDUSTRIAL AREA
DEVELOPMENT BOARD

APPELLANT

Vs

KEMPAIAH S/O LATE SANJEEVAPPA, & ORS.

RESPONDENT

Date of Decision : 13-09-2017

Acts Referred:

Citation : (2017) 09 KAR CK 0038

Hon'ble Judges : Subhro Kamal Mukherjee, P.S.Dinesh Kumar

Bench : DIVISION BENCH

Advocate : B B PATIL, GIRISH B BALADARE, VIVEK HOLLA

Final Decision : Dismissed

Judgement

1. These writ appeals are filed by the Karnataka Industrial Area Development Board against the judgment and order dated March 30, 2016, together with an application for condonation of delay of 42 (forty two) days in filing the writ appeals.

2. As requested by the learned advocates appearing for the parties, we take up the writ appeals for preliminary hearing on merits.

3. The writ petitions were filed seeking, inter alia, for a declaration that no award has been passed nor possession was taken and, therefore, the acquisition stood lapsed.

4. The Hon'ble Single Judge found that, admittedly, no award has been passed. Since award has not been passed, the question of taking possession did not arise and the possession has been still lying with the writ petitioners. Consequently, the Hon'ble Single Judge allowed the writ petitions and, inter alia, declared that the proceedings initiated for acquisition of the land of the writ petitioners stood quashed.

5. The acquisition proceedings was initiated in the year 1984. The award has not

yet been passed. We are of the opinion that the appellant was not serious in pursuing the matter.

6. We do not find any merit in the writ appeals. Therefore, the application for condonation of delay in filing the writ appeals is dismissed. Consequently, the writ appeals are dismissed.

7. In view of the dismissal of the writ appeals, I.A.No.II of 2016 does not survive for consideration and is, also, dismissed.

8. We make no order as to costs.