

(2012) 06 KAR CK 0108
In the Karnataka High Court
Case No : CCC (Civil) No. 104 of 2012

Sri A. Ananthayya Bhat

APPELLANT

Vs

Sri K.S. Surya Narayana Rao Chief Executive Officer Zilla
Panchayath Bangalore Urban District Krushi Bhavan Complex
Bangalore, Sri C. Mariyappa president Zilla Panchayath
Bangalore Urban district Krushi Bhavan Complex Bangalore
and Sri Prasanna kumar Executive Engineer Zilla Panchayath
Bangalore Urban District Krushi Bhavan Complex Bangalore

RESPONDENT

Date of Decision : 05-06-2012

Acts Referred:

Citation : (2012) 06 KAR CK 0108

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

Bench : Division Bench

Advocate : Subramanya, for Sri S.P. Kulkarni, for the Appellant; N.V. Vijay, for A1 and A3 and Sri Prakash T Hebbar, for A2, for the Respondent

Final Decision : Dismissed

Judgement

D.V. Shylendra Kumar

1. The complainant was the petitioner before this court in writ petition Nos.20798/2010 and 2415/2010 seeking for certain directions regarding reduction of the width of the road that had been formed by the Zilla Panchayat, Bangalore Urban District, in the vicinity of the petitioner's agricultural land in Sy. Nos. 149 and 150 of K. Choodahalli Village, Uttarahalli Hobli, Bangalore South Taluk. Petitioner had complained that some part of his land has been taken over for the purpose of widening even without following proper procedure and without paying him compensation for the land taken over; that after the formation of the road, the alignment of the road is such that water flows into the land of the petitioner and is damaging the crops etc.

2. This court in terms of the order dated 30.11.2010 disposed of the writ petition observing that if the petitioner's land had been utilized for formation of the road,

it is proper that he should be compensated and with regard to the request of the petitioner to build a retaining wall adjacent to the petitioner's land, it is a matter which can be pursued by the petitioner with the Zilla Panchayath by giving suitable representation etc.

3. It is thereafter the present contempt petition is filed complaining that the authorities have not responded positively to the representation of the petitioner - complainant to build a retaining wall that they are deliberately disregarding and disobeying court order etc.

4. Notice had been issued to the accused persons and Accused Nos. 1 and 3 are represented by Sri. N V Vijay, learned counsel and Accused No.2 is represented by Sri. Prakash T Hebbar, learned counsel.

5. Statement of objections is filed on behalf of Accused Nos. 1 and 3 which is adopted by Accused No.2. It is pointed out that steps have already been taken for paying compensation to the petitioner in respect of land used for formation of the road, but insofar as the construction of retaining wall, it is not direction that was required to be obeyed by the Zilla Panchayath etc.

6. However, Sri. Subramanya, learned counsel for the complainant submits that the complainant is not very much-keen on receiving compensation, but is more interested in construction of the retaining wall.

7. This is also a matter which can be pursued by the complainant with the Zilla Panchayath and insofar as the present contempt petition is concerned, we do not find any contumacious conduct calling for action in the exercise of contempt jurisdiction. Without prejudice to the rights and remedies of the complainant elsewhere in accordance with law, this contempt petition is dismissed.