

(2013) 01 KAR CK 0174

In the Karnataka High Court

Case No : CCC Civil No"s. 1253 and 1424 of 2012

Sri Doddegowda and Sri S Lingegowda

APPELLANT

Vs

Sri N Jayaram The Deputy Commissioner Chamarajanagar
District Chamarajanagar-571313, Sri A.B. Basavaraju
Assistant Commissioner Kollegal Sub-Division
Chamarajanagar-571440 and Sri Amaranarayana The
Secretary Revenue Department Vidhana Soudha
Bengalore-560001

RESPONDENT

Date of Decision : 24-01-2013

Acts Referred:

Citation : (2013) 01 KAR CK 0174

Hon'ble Judges : H.S. Kempanna, J;D.V. Shylendra Kumar, J

Bench : Division Bench

Advocate : R.D. Renukaradhya, for the Appellant; K.M. Shivayogiswamy, HCGA, for the Respondent

Final Decision : Dismissed

Judgement

1. Complainants in these contempt petitions are the writ petitioners in W.P. Nos. 277300/2011 (LA-RES) & W.P. No. 45059/2011. Writ petitions were filed seeking issue of a writ of mandamus to the respondents-the Deputy Commissioner, the Asst. Commissioner and the State of Karnataka, to consider the petitioners' representations made during 2009, 2010 and 2011 for acquiring certain lands, which had been earlier notified for acquisition to allot sites to the persons belonging to weaker sections of the society in the "Ashraya Scheme", but which had been dropped and therefore, for initiating re-acquisition proceedings, this court in terms of the order dated 7.12.2011, while disposing of the writ petitions observed that mandamus as sought for cannot be issued in writ jurisdiction, but it is open to the authorities themselves to consider the representations and pass orders thereafter. It is subsequently the present contempt petitions have been filed on the allegation that even thereafter necessary steps have not been taken and therefore, the accused, who were the respondents in the writ petitions have

committed contempt of court order.

2. Notice had been issued to the accused and are represented by Mr. K.M. Shivayogi Swamy, learned HCGA.

3. A detailed counter affidavit sworn to by the 2nd accused is placed before the court. To the affidavit is also placed Annexures R1, R2, R3 and R4. Annexure R3 dated 31.03.2012 is an endorsement in the context of apprising one of the villager that the acquisition is not possible as the land owners were not agreeing for consent acquisition. Annexure R4 is a similar endorsement dated 16.8.2012 apprising the complainant of this position.

4. Matter had, been set down for hearing on this counter affidavit. On hearing Mr. Renukaradhya, learned counsel appearing for the complainants and Mr. K.M. Shivayogi Swamy, learned HCGA appearing for the accused, we find that the authorities though had considered the representation had indicated that it is not possible to acquire the very lands, for which the proposal of acquisition was made and as such it cannot be said there is obedience of the court orders and it is therefore, these contempt petitions are dismissed.