

(2013) 10 KAR CK 0156

In the Karnataka High Court

Case No : Writ Petition No. 46899 of 2013 (LA-RES)

Sri Nagaraja

APPELLANT

Vs

State of Karnataka

RESPONDENT

Date of Decision : 10-10-2013

Acts Referred:

Land Acquisition Act, 1894 — Section 18, 28(A)

Citation : (2013) 10 KAR CK 0156

Hon'ble Judges : S. Abdul Nazeer, J

Bench : Single Bench

Advocate : Vedhu Kumar Y.S, for the Appellant; R.B. Satyanarayana Singh, HCGP, for the Respondent

Final Decision : Partly Allowed

Judgement

S. Abdul Nazeer, J.—House property bearing No. 59/2, situated at Agrahara Koppau Village, Channarayapatna Taluk, Hassan District, was acquired by the State Government for Hemavathi Irrigation Project. A common award was passed in respect of the aforesaid property as also the adjacent properties. The petitioner did not seek reference u/s 18 of the Land Acquisition Act, 1894 ("Act" for short). However, certain other persons whose lands have been acquired under the same notification sought reference u/s 18 of the Act. The Civil Court enhanced the compensation in those cases. On the basis of the said judgment and award of the Civil Court, the petitioner made an application u/s 28(A) of the Act seeking enhancement of the compensation. The second respondent rejected the said application by issuing an endorsement at Annexure-C dated 27.01.2012. Petitioner has called in question the said endorsement in this writ petition. I have heard the learned Counsel for the parties.

2. Section 28(A) of the Act provides for re-determination of the compensation on the basis of the award of the Court. The second respondent has not passed the award u/s 28(A) of the Act. He has rejected the application on the basis of the circular of the Government dated 28.06.1988. I am of the view that the 2nd

respondent has to reconsider the matter in accordance with law. In the result, the writ petition is allowed in part. The endorsement at Annexure-C dated 27.01.2012 issued by the second respondent is hereby quashed. The matter is remitted back to the second respondent for fresh disposal in accordance with law and in the light of the observations made in W.P. No. 25611/2013 disposed of on 20.8.2013 within a period of six months from the date of receipt of a copy of this order. No costs.