

(2010) 04 KAR CK 0142
In the Karnataka High Court
Case No : Writ Petition No. 423 of 2010

Sri. V. Nanjappa

APPELLANT

Vs

The State of Karnataka and Others

RESPONDENT

Date of Decision : 05-04-2010

Acts Referred:

Citation : (2010) 04 KAR CK 0142

Hon'ble Judges : H.N. Nagamohan Das, J

Bench : Single Bench

Advocate : M.E. Prabhu and Harish Kumar M.S, for the Appellant; M. Keshava Reddy, AGA, for the Respondent

Final Decision : Allowed

Judgement

H.N. Nagamohan Das, J.—Petitioner contends that he is the owner of land in survey No. 35/7 and 35/8 situated at Nagavara village, Kasaba Hobli, Bangalore North taluk.

2. According to the petitioner the respondents acquired these lands and he questioned the same before this Court in W.P. No. 12105/1996. This Court vide order dated 18.02.1997 quashed the acquisition proceedings in respect of the lands involved in this case. Further a Division Bench in W.A. No. 2322/1997 and connected matters as per Annexure C and the Supreme Court in a SLP as per Annexure D confirmed the order of learned Single Judge in W.P. No. 12105/1996. Pursuant to the orders of this Court and the Apex Court, the respondents have restored the possession of the lands in question to the petitioner as per order at Annexure H dated 25.03.2009. In the order at Annexure H the respondents have specifically stated that the names of the owners of the lands is to be restored to the position which was in the year 1984-85. Accordingly the petitioner gave a representation as per Annexure J dated 20.11.2009 requesting the respondents to enter his name in the revenue records in respect of the lands in question. Now under the impugned endorsement at Annexure K dated 04.01.2010 respondents refused the request of the petitioner on the ground that mere is an order of the

Deputy Commissioner restraining the transfer of kathas. The order of the Deputy Commissioner is based on a note put up by the Revenue Minister stating that the land in question may be required for public purpose and they are intending to initiate acquisition proceedings. In the circumstances the petitioner is before this Court.

3. Heard arguments on both the side and perused the entire writ paper.

4. Learned Government Pleader contends that there is a mistake in the order at Annexure H handing over the possession of certain lands to the petitioners and others. If that is so the respondents are at liberty to initiate appropriate action to correct the mistake. But there is no justification for the respondents to deny the request of the petitioner for transfer of the revenue entries in his name. Further neither in the impugned endorsement at Annexure K nor at Annexure L or in Annexure M it is not specified that there is a mistake in the order of restoration in favour of the petitioner as found at Annexure H. Therefore the writ petition is liable to be allowed.

5. For the reasons stated above, the following;

ORDER

i. Writ petition is hereby allowed.

ii. The impugned order at Annexure M and the consequential orders at Annexure K dated 04.01,2010 and Annexure K dated 04.12.2009 are hereby quashed.

iii. The respondents are hereby directed to consider the request of the petitioner in his representation dated 20.11.2009 as found at Annexure J as expeditiously as possible.

iv. However if there are certain mistakes in the orders passed by the respondents, they are at liberty to correct the same in accordance with law.