

(2011) 11 KAR CK 0186

In the Karnataka High Court

Case No : Writ Petition No's. 37193-37195 of 2011 and W.P. No's. 37810-37812 of 2011

Sri Venkatramanaiah

APPELLANT

Vs

State of Karnataka, The Commissioner Bakgalore
Development Authority Palace Road, Bangalore and
Additional Land Acquisition Office Bangalore Development
Authority Palace Road, Bangalore

RESPONDENT

Date of Decision : 02-11-2011

Acts Referred:

Land Acquisition Act, 1894 — Section 48 (1)

Citation : (2011) 11 KAR CK 0186

Hon'ble Judges : Ashok B. Hinchigeri, J

Bench : Single Bench

Advocate : M.r. Rajagopal, for the Appellant; K.S. Mallikarjunaiah, HCGP For R1 and Sri Anil Kumar, for R2-3, for the Respondent

Final Decision : Allowed

Judgement

1. The petitioners grievance is that their representations dated 14.3.2011 (Annexure-k, L, M, N) seeking the withdrawal of the lands from the acquisition have remained unconsidered.

2. Sri M.R. Rajagopal, the learned counsel for this petitioners submits that the respondent No.2-BDA has already passed the resolution on 27.8.2005 (Annexure-G) recommending to the Government for the issuance of the notification u/s 48(1) of the Land Acquisition Act, 1894 In respect of the lands measuring 11 guntas at Sy.No.18/2, 20 guntas at Sy.No.19/6, 2 acres 12 guntas at Sy.No.19/3, 12 guntas at Sy.No.19/8, 4 guntas at Sy. No.19/9 and 10 guntas at Sy.No.19/10, all of Sonnenahalli Village. He further submits that pursuant to the said resolution (Annexure-G), the respondent No. 2 has also issued the endorsements, dated 8.12.2005 (Annexure-H) and 9.12.2005 (Annexure-J). The learned counsel also submits that no award is passed in respect of the lands in

question and that therefore the question of taking the possession has not arisen only.

3. Sri Anil Kumar, the learned counsel appealing for the respondent Nos.2 and 3 submits that it is for the Government to take the decision in the matter.

4. Sri K.S. Mallikarjunaiah, the learned HCGP appearing for the respondent No. 1 submits that the BDA has not sent the report containing its recommendations to the Government.

5. On hearing the learned counsel for the parties, this Court directs the respondent No. 2 - BDA to send the copies of its resolution passed on 27.8.2005 (Annexure-G) to the Government within one month from today. If the Government wants any more particulars, it shall call for the same within one month from the date of receipt of the said resolution.

6. Although the resolution recommending to the Government the withdrawal of the lands in question from the acquisition is made way back in 2005, the respondents -have only been, showing inaction in the matter. The respondent No. 1 is directed to pass the necessary order in the matter of issuing the notification u/s 48(1) of the Land Acquisition Act, 1894 taking into account the second respondent's resolution passed on 27.8.2005 (Annexure-G) and in accordance with law, within three months from today.

7. These petitions are accordingly allowed, No order as to costs.