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IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 14TH DAY OF JANUARY 2008

BEFORE

THE HON'BLE MR. JUSTICE ASHOK B. HINCHIGERI

W.P.NO.18977/2007(LA-RES)

BETWEEN

- 1 RAMMOHANRAO G.
 S/O MUNIYYA
 AGED 45 YEARS
- 2 NAKKUNT VISHWESHWARAO
 S/O KESHAVRAO
 AGED 50 YEARS
- 3 GANIMANTAMAYYA
 S/O SATYANARAYANA
 AGED 45 YEARS

ALL ARE R/O: CHITTAPUR
TQ LINGASUGUR
DIST RAICHUR .

... PETITIONERS

(By Sri BASAVARAJ KAREDDY, ADV.,)

AND

- 1 THE MANAGING DIRECTOR
 K.B.J.N.N.
 K R CIRCLE
 BANGALORE
- 2 EXECUTIVE ENGINEER
 K.B.J.N.N, NIBC DIVISION
 RODALBONDA, TQ LINGASUGUR
 DIST RAICHUR

- 3 ASST. EXECUTIVE ENGINEER
K.B.J.N.N. SA,SHA KA
SUB DIVISION 33
RODALBONDA, TO LINGASUGUR
DIST RAICHUR
- 4 STATE OF KARNATAKA
DEPARTMENT OF IRRIGATION
VIDHANA SOUDHA
BY ITS SECRETARY
- 5 DEPUTY COMMISSIONER
RAICHUR

... RESPONDENTS

(By Sri KESHAHA REDDY, AGA FOR R4 & 5)

THIS W.P. IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECT THE RESPONDENTS TO INITIATE ACQUISITION PROCEEDINGS IN RESPECT OF LANDS OF THE PETITIONERS AND PAY COMPENSATION BY CONSIDERING THE REPRESENTATIONS OF THE PETITIONERS DT. 14.5.2007 TO R1 VIDE ANNEX.C1 TO C3 RESPECTIVELY.

THIS W.P. COMING ON FOR PRLY. HEARING THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

The petitioners' grievance in this case is that the representations at Annexures-A1 to A3 and Annexures-C1 to C3 are not considered by the respondents.

A.B.H.

2. Sri Basavaraj Kareddy, the learned counsel for the petitioners submits that the lands in question have become unusable on account of seepage of water from Rampur Distribution Canal No.3 of Narayanpur Reservoir. He, therefore, seeks writ of mandamus to the respondents to acquire the lands in question.

3. As the acquisition of lands falls in the eminent domain of the State, no direction can be issued to the respondents to acquire the lands in question. It is for the State Government to consider the representations of the petitioners referred to above and take appropriate decision in the matter.

4. Further, if the State Government satisfies itself that, because of the seepage of water on account of implementation of Upper Krishna Project, the lands in question have become unusable, the State Government shall consider rehabilitating them properly.

5. The respondents are directed to consider the petitioners' representations Annexures-A1 to A3 and

A.I.H.

Annexures-C1 to C3 and pass appropriate orders.

Accordingly, I ~~dispose~~ of the petition with no order as to costs.

Sd/-
Judge

TL.