

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 4TH DAY OF APRIL 2006

BEFORE

THE HONBLE MRS JUSTICE MANJULA CHELLUR

W.P.No.19740/2005(LA-KIADB)

BETWEEN

SMT.LAKSHMAMMA,
W/O LATE IYANNA,
AGED ABOUT 78 YEARS,
R/O GANGADARSHESHWARA NILAYA,
NEAR SB GOVINDAIAH PETROL BUNK,
B.M.ROAD, HASSAN.

... PETITIONER

(BY SRI P.CHANGALARAYA REDDY, ADV.,)

AND

1. THE EXECUTIVE DIRECTOR,
KARNATAKA INDUSTRIAL AREA
DEVELOPMENT BOARD,
RASHTROTHANA PARISHAT BUILDING,
NRUPATHUNGA ROAD, BANGALORE-1.
2. THE SPECIAL LAND ACQUISITION OFFICER,
KARNATAKA INDUSTRIAL AREA DEVELOPMENT
BOARD, BYKAMPEDI, MANGALORE
S.K.DISTRICT

... RESPONDENTS

(BY SRI BASAWARAJ V.SABARAD, ADV.,)

THIS W.P. IS FILED UNDER ARTICLES 226 & 227 OF
THE CONSTITUTION OF INDIA PRAYING TO QUASH THE
FINAL NOTIFICATION DATED 11.1.2005 AT ANNEX.F IN SO

FAR AS THE PETITIONER IS CONCERNED AND ALSO QUASH THE NOTICE NOS.1, 2, 3, 4 & 8 DATED 25.3.2005 (ANNEX.G) ISSUED BY R-2 UNDER SECTION 28(6) OF THE KIADB ACT.

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

ORDER

The petitioner claims to be the owner of the land bearing Sy.Nos.1/2, 2/1, 2/3, 3/4-A, 3/4-B of Hanumanthapura village, Hassan Taluk & District. According to her, she purchased these lands in the year 1996 for the purpose of starting a Coffee Curing Unit and also a Brick Factory. Meanwhile, on 17.2.1997, a preliminary Notification came to be issued by the 1st respondent authority proposing to acquire lands to an extent of 567.07½ acres including the lands of the petitioner for the purpose of establishing Hassan Growth Centre in Hassan, since it was declared as an "Industrial Area".

2. Meanwhile, a notice under Section 28(2) of the Preliminary Notification was issued to the Khathedars and a proposal was sent to Government to issue Final Notification in respect of 400.25 acres. On coming to know about the said proposed acquisition, the petitioner requested the respondents to give up the acquisition in respect of her lands on the ground that she was also interested to establish an Industry in the said area. On her request, the 2nd respondent authority by issuing an Endorsement dated 22.7.99 informed the petitioner that the Board of the 1st respondent in its Board Meeting held on 6.11.98, had decided to drop the proposed acquisition in respect of the petitioner's lands. The fact remains that subsequent to the said endorsement, petitioner seems to have got land converted in so far as Sy.No.2/2 to an extent of 2 acres to start a Brick Factory and made all necessary arrangement in that regard.

3. Meanwhile, a Final Notification under Section 28(4) of the Act came to be issued proposing to

acquire the lands, including the lands of the petitioner. According to the 2nd respondent though in the Board Meeting held on 6.11.98, it was proposed to drop the very acquisition of the land on account of directions given by Government of India, Ministry of Commerce, and to introduce a new Scheme called Special Economic Zone, they decided to proceed with the said acquisition. Because of this Scheme being introduced by the Central Government, the State Government considering the infrastructure facilities, proximity available to both Bangalore and Mangalore, felt that growth of the Centre would be much benefit to the public at large. The fact that no decision of the Government is being made on the basis of the resolution dated 6.11.98 would go to show that the Government did not consider the resolution of the Board and it proceeded to issue Final Notification, which is under challenge now. The endorsement dated 22.7.99 issued by the second respondent was only an intimation of the Board and not an approval of the Government. The

2

acquiring authority is the Government. It was proposed to acquire the lands for the establishment of the industrial units. Now also under a Special Scheme of the Union Government, they want to treat this 200 and odd acres of land as Special Economic Zone, which is also for industrial purpose.

4. In these circumstances, the petitioner cannot agitate or assert his right on an endorsement dated 22.7.99 and seek quashing of Annexure-F. A reference is also made to AIR 1998 SC page 1608 (para Nos.31 and 32).

Accordingly, the writ petition is rejected.

Sd/-
Judge

TL.