

IN THE HIGH COURT OF KARNATAKA
KALABURAGI BENCH

DATED THIS THE 3RD DAY OF NOVEMBER, 2022

BEFORE

THE HON'BLE MR.JUSTICE R. DEVDAS

WRIT PETITION No.205889/2019 (LA-RES)

BETWEEN:

KAMALABAI W/O SOMSHEKAR GUNDOOR
AGE: MAJOR, OCC: AGRICULTURE,
R/O MAHAGAON AT P.O. MAHAGAON,
TQ. & DIST. KALABURAGI-585316.

... PETITIONER

(BY SMT.ANITA M. REDDY, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
THROUGH ASSISTANT COMMISSIONER
KALABURAGI-585101.
2. TAHASILDAR KAMALAPUR
TQ. KALABURAGI
DIST. KALABURAGI-585313.
3. HEAD MASTER
GOVT. HIGHER PRIMARY SCHOOL
MAHAGAON, AT P.O. MAHAGAON,
TQ & DIST. KALABURAGI-585316.

... RESPONDENTS

(BY SRI VIRANAGOUDA M. BIRADAR, AGA)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE THE DIRECTION TO THE RESPONDENT NO.1 IN THE FORM OF WRIT OF MANDAMUS TO CONSIDER THE REPRESENTATION DATED 06/09/2019, I.E. ANNEXURE-B GIVEN TO RESPONDENT NO.1 AND DIRECT THE RESPONDENT TO RELEASE THE COMPENSATION AMOUNT TO THE EXTENT OF 3 ACRE IN SY.NO.469 SITUATED AT MAHAGOAN VILLAGE IN TQ.DIST. KALABURAGI.

THIS PETITION COMING ON FOR PRELIMINARY HEARING THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

R. DEVDAS J., (ORAL):

Learned Additional Government Advocate takes notice for respondents.

2. The prayer in the writ petition is to issue a writ of mandamus directing respondent No.1 i.e., Assistant Commissioner, Kalaburagi to consider representation dated 26.11.2019 at Annexure-B given by the petitioner and pass necessary orders to release the compensation amount to an extent of 3 acres in

Sy.No.469 of Mahagaon village, Kalaburagi taluk and district.

3. On hearing the learned counsel for the petitioner and on perusing the petition papers, this Court finds that the writ petition is as bald as it can be. No factual information is given as to when the land was acquired, by which notification and what was the extent of land notified and acquired. However, no information is forthcoming from the memorandum of writ petition as to why the petitioner kept quite all these years if the land has been notified, acquired and utilized by the competent authority. If the land is notified and acquired, then the award should have been passed by the competent authority. If it is the contention of the petitioner that she is seeking a direction to the Assistant Commissioner, Kalaburagi, to release compensation amount, then what was required to be stated by the petitioner is whether the

award is passed by the competent authority. No such information is forthcoming,

4. For a writ of mandamus to be issued, there has to be a right vested in the petitioner and a commensurate duty cast on the respondent authorities.

5. Consequently, writ petition stands dismissed. However, liberty is reserved to the petitioner to file a fresh writ petition on the same cause of action, if the petitioner deems it fit.

**Sd/-
JUDGE**

VNR