

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 30TH DAY OF JUNE 1998

BEFORE

THE HON'BLE MR.JUSTICE A.J.SADASHIVA

WRIT PETITION No. 41100/1995

BETWEEN:

Sri Marappa,  
aged about 85 yrs., s/o  
Late Munivenkatappa, r/o  
Yelachanahalli, Sarakki Post,  
Bangalore South Tq.,

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.. Petitioner

(By Sri Chandrasekhara Reddy, Adv.,)

AND:

1. The Special Land Acquisition  
Officer, Bangalore Development  
Authority, Bangalore.
2. The Muzarai Assistant,  
Corporation Area, Podium Block,  
Visweshwaraiah Centre,  
Dr.Ambedkar Veedhi, Bangalore-1. .. Respondents

(By Sri N.K.Patil, Adv., for R1;  
Sri K.H.Jagadish, GA, for R2)

This Writ Petition filed under Articles 226 and 227 of the Constitution of India, praying to direct R-2 to produce the document material relating to payment of compensation to the petitioner in respect of 36 guntas of land in Sy.No.45 of Govinayakanahalli before R-1 and etc.,

This Writ Petition coming on for prly. hearing this day, the Court made the following :-

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O R D E R

It is admitted that notifications under sections 17(1) and 19(1) of the Bangalore Development Authority Act, 1976 have been issued in the name of the petitioner. It is also admitted that the petitioner did not seek a reference u/s 18 of the Act for enhancement of compensation. However, he filed an application u/s 28A of the Land Acquisition Act, 1894 for redetermination of the compensation on the basis of the award made by the Civil Court in respect of other lands notified under the same notification.

2. It appears the Land Acquisition Officer directed the petitioner to produce certain documents to redetermine the compensation. There was no need for the petitioner to produce any document as he based his claim on the judgement rendered by the Civil Court in reference in respect of other lands acquired under the same notification. If the Land Acquisition Officer has any doubt as to the right of the petitioner to receive compensation, he may make a reference to the Civil Court u/s 30 of the Act <sup>after</sup> ~~for~~ re-determining the compensation u/s 28A.

*h.m.*

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He cannot postpone redetermination on the ground that the ~~Person~~ <sup>Petitioner</sup> respondent has failed to produce certain documents which are not relevant for the purpose of re-determination.

3. This petition is accordingly disposed of, with a direction to the Land Acquisition Officer to re-determine and to pass such orders as it deems just and appropriate in the circumstances of the case in relation to payment of compensation to the person entitled to receive.

4. In the circumstances of the case, there is no order as to costs.

5. Sri.K.H.Jagadish, the learned HCGA, is permitted to file memo of appearance within four weeks.



Sd/-  
JUDGE