

: 1 :

IN THE HIGH COURT OF KARNATAKA

CIRCUIT BENCH AT DHARWAD

DATED THIS THE 31ST DAY OF JANUARY, 2012

BEFORE

THE HON'BLE MR.JUSTICE AJIT J.GUNJAL

WRIT PETITION NOS.60147-49 OF 2012 (LA-RES)

BETWEEN:

1. LALITAMMA
W/O BASAVAREDDAPPA
MADINUR
AGE: 60 YEARS
OCC: AGRICULTURE
R/O CHIKKA SINDAGI TQ &
DIST: KOPPAL
2. SHEKHARGOUDA
S/O FAKKIRGOUDA PATIL
AGE: 60 YEARS
OCC: AGRICULTURE
R/O CHIKKA SINDAGI TQ &
DIST: KOPPAL
3. PAMPANNA
S/O KALAKAPPA YALIGAR
SINCE DECEASED BY LRS
SMT.SHANTAVVA
W/O PAMPANNA YALIGAR
AGE: 38 YEARS
OCC: HOUSEHOLD WORK
R/O KOPPAL TQ & DIST: KOPPAL

...PETITIONERS

: 2 :

(BY SRI.LAXMAN T MANTGANI, ADV.)

AND:

1. ASSISTANT COMMISSIONER
& LAND ACQUISITION OFFICER
KOPPAL DIST: KOPPAL.
2. EXECUTIVE ENGINEER
T.R.DIVISION MUNIRABAD
TQ: KOPPAL
3. ASSISTANT EXECUTIVE ENGINEER
HIREHALLA PROJECT
SUB DIVISION KINNAL
DIST: KOPPAL.

...RESPONDENTS

(BY SMT.K.VIDYAVATHI, AGA)

THESE WRIT PETITIONS ARE FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA WITH A PRAYER TO DIRECT THE 1ST RESPONDENT TO PUBLISH 4 (1) NOTIFICATION UNDER THE PROVISION OF LAND ACQUISITION ACT IN RESPECT OF LANDS BEARING SY.NO.157 OF CHIKKA-SINDAGI-VILLAGE, TALUK AND DISTRICT: KOPPAL AND LANDS BEARING SY.NO.106 & 159 OF YATNATTI VILLAGES BELONGING TO THE PETITIONERS RESPECTIVELY.

THESE WRIT PETITIONS ARE COMING ON FOR PRELIMINARY HEARING, THIS DAY, THE COURT MADE THE FOLLOWING:

: 3 :

ORDER

The petitioner has sought for a writ of mandamus directing respondent No.1 to initiate acquisition proceedings by notifying the lands in question under Section 4(1) of the Land Acquisition Act.

2. When the matter is taken up Smt.Vidyavathi K, learned Additional Government Advocate submits that a preliminary notification under Section 4(1) of the Land Acquisition Act is issued insofar as Sy.Nos.106 and 149 are concerned. Insofar as Section 157 is concerned, the said land has not been acquired. There is no proposal to acquire the said land. But however, Mr.Laxman T Mantagani, learned counsel appearing for the petitioner submits that the possession of the said land i.e., Sy.No.157 to an extent of 1 acre 5 guntas is already taken on 15.12.2003. Insofar the relief, which is sought for in Sy.Nos.106 & 149 are concerned, cannot be granted inasmuch as acquisition proceedings are already initiated.



: 4 :

Insofar as Sy.No.157 is concerned, it is open for the petitioner to make a representation to the concerned authorities for seeking possession with reference to Annexure-A. On such representation being given the respondent shall consider the same in accordance with law. The authorities shall also ascertain whether the possession of Sy.No.157 to an extent of 1 acre 5 guntas has been taken. Petitions stand **disposed** of accordingly.

Smt.K.Vidyavathi, learned Additional Government Advocate appearing for respondents is permitted to file memo of appearance within four weeks.

Sd/-
JUDGE

SS/-