

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

Dated this the 27th day of April, 2012

Before

THE HON'BLE MR JUSTICE HULUVADI G RAMESH

Writ Petition 14255 / 2012 (GM Res)

Between:

S C Halagappa, 57 yrs
S/o late Channappa
R/a Sihiragala Village Via Kudlige
Kushalnagara Hobli
Somwarpet Tq, Kodagu

Petitioner

(By Sri R Sridhar Hiremath, Adv.)

And:

- 1 State of Karnataka – by its Prl. Secretary
Public Works Department
Vidhana Soudha, Bangalore
 - 2 Executive Engineer
PWD, Mercara, Kodagu
 - 3 Managing Director
Karnataka Road Development Corpn. Ltd
16/J, Miller Tank Bed Area
Thimmaiah Road Cross, Bangalore
- Respondents

(By Sri R B Sathyanarayana Singh, GP)



Writ Petition is filed under Art.226/227 of the Constitution praying to quash the gazette notification dated 14.8.2007 – annexure H by R1, etc.

The Petition coming on for Orders this day, Court made the following:

ORDER

Petitioner is before this Court seeking to quash the notification dated 14.8.2007 – annexure H issued by the 1st respondent and also for a mandamus to the respondents to follow the procedure under the Karnataka Highways Act, 1964 before widening the road.

Heard the counsel representing the parties.

The grievance of the petitioner is, property in Sy.No.62/1/2B present No.62/4 to the extent of 17 cents and Sy.No.62/3 to the extent of 8 cents respectively are situate abutting the highway near Shirangala Village, Kushal Nagar, Kodagu. The apprehension of the petitioner is, in the process of widening, his house will be removed and his grievance is, without following due procedure, the house will be demolished.



The respondent authority is hereby directed to issue notice to the petitioner and after conducting mahazar / taking photograph of the house in the presence of the petitioner and mahazar witnesses and after valuation of the property, demolish the house, if need be, for widening the road. It is for the respondent authority to fix just compensation as per the Act, i.e., S.3 of the Karnataka Highways Act, 19674, to the structure as also to the land, according to law. *However, petitioner is not entitled for overroadway compensation on the encroached area of the Govt. land.*

Petition is disposed of.

Government Pleader to file memo of appearance in four weeks.

Sd/-
JUDGE

An