

**IN THE HIGH COURT OF KARNATAKA  
KALABURAGI BENCH**

**DATED THIS THE 31<sup>ST</sup> DAY OF AUGUST 2015**

**PRESENT**

**THE HON'BLE MR. JUSTICE H.G.RAMESH**

**AND**

**THE HON'BLE MR. JUSTICE A.V.CHANDRASHEKARA**

**CCC No.200073/2015 (CIVIL)**

**BETWEEN:**

M/S REVANSIDDESHWARA ENTERPRISES  
REPRESENTED BY ITS PROPRIETOR

SMT. RACHAMMA  
W/O DEVENDRAPPAG DONGARGI  
AGE: 58 YEARS  
OCC: BUSINESS  
RESIDENT OF BHUYAR VIA  
CHIMANCHODI  
TALUKA CHINCHOLI  
DISTRICT KALBURGI

... COMPLAINANT

(BY SRI SANDEEP PATIL, ADVOCATE FOR  
SRI K.M. GHATE, ADVOCATE)

**AND:**

1. SMT. K. RATNA PRABHA  
MANAGING DIRECTOR  
KARNATAKA INDUSTRIAL  
AREA DEVELOPMENT BOARD  
NRUPATUNGA ROAD  
BENGALURU – 01
2. MR. N.S. CHANDRASHEKAR  
JOINT DIRECTOR OF KARNATAKA

INDUSTRIAL AREA DEVELOPMENT  
BOARD, NRUPATUNGA ROAD  
BENGALURU – 01

3. MR. SHIRAJUDDIN  
DEPUTY DEVELOPMENT OFFICER  
KARNATAKA INDUSTRIAL  
AREA DEVELOPMENT BOARD  
NAUBAD, BIDAR – 585 401 ... RESPONDENTS

(BY SRI B.B. PATIL, ADVOCATE FOR A2 & A3;  
SRI A.M. NAGARAL, ADVOCATE FOR A1)

THIS CCC FILED UNDER SECTIONS 11 & 12 OF THE CONTEMPT OF COURT ACT, PRAYING TO ISSUE NOTICE TO THE CONTEMNORS CALLING UPON THEM AS TO WHY CONTEMPT PROCEEDINGS SHALL NOT BE INITIATED AGAINST THEM FOR HAVING WILLFULLY VIOLATED ORDER DATED 25.02.2015 PASSED BY THIS HON'BLE COURT IN W.P.NO.206980/2014 ANNEXURE-A.

THIS CCC COMING ON FOR ORDERS THIS DAY  
**H.G.RAMESH J.**, MADE THE FOLLOWING:

## **ORDER**

## **H.G.RAMESH, J. (Oral):**

**1.** Heard. The case of the complainant is that the respondents have not complied the order dated 25.02.2015 passed by this Court in W.P.No.206980/2014. The order reads as follows:

"Similar question raised in the present writ petitions have already been considered in Writ petition No.202914/2014 disposed of on 02.02.2015. The operative portion of the order reads as follows:

"7. However, be that as it may, communication made to the petitioner for deposit of the present market value and the said market value if it is deposited it is open for the

*respondents to pass appropriate orders. Allotment itself is not a transfer of right on the petitioners. As already said no person has got fundamental right but it is only a statutory privilege and as long as no such right is proved, the case of the petitioners cannot be considered. However, respondents are directed to consider the case of the petitioners if they come forward to pay the present market value and prescribed penalty and pass appropriate orders".*

Accordingly, these writ petitions shall stand disposed of and petitioners are permitted to pay the amount on present market value. If it is paid within a period of two months from today, the respondents are directed to consider the case of the petitioners and pass appropriate orders."

**2.** Respondent nos.2 & 3 have produced the letter dated 14.08.2015 along with a memo dated 26.08.2015 wherein the Karnataka Industrial Areas Development Board has stated that the complainant has refused to pay the market value as permitted by this court, and, hence, the complainant only has not complied with the aforesaid order of this Court. The relevant portion of the communication reads as follows:

".....  
.....You are hereby informed that to this day you have not made any payments as regards the demand raised for the allotment at the market value, i.e., Rs.25,00,000/- per acre as determined by the Board vide its communications dated 04.02.2012, 5/9.4.2012 and 28.9.2012.

Further it is brought to your kind notice that in terms of your communication dated 26.09.2014, you have refused to pay the present market value at

Rs.25,00,000/- as determined by the Board. Further on, even after the order of the Hon'ble High Court at reference (6) you have not remitted the market value within two (2) months from the date of the order. In view of the foregoing there has been no compliance of the Order of the Hon'ble High Court from your end as you have not made the payment within the time prescribed by the Hon'ble High Court. Given the aforementioned your request cannot be considered."

**3.** The facts stated in the communication extracted above are not disputed. Hence, no case for contempt is made out. The proceeding is accordingly dropped.

**Sd/-  
JUDGE**

**Sd/-  
JUDGE**

hkh.