

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

DATED THIS THE 31ST 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 DEVENDRAPPA 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.