

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF APRIL, 2015

BEFORE

THE HON'BLE MR.JUSTICE RAGHVENDRA S. CHAUHAN

WRIT PETITIONS NO. 18728-29 OF 2015 (LB-RES)

BETWEEN:

SMT SANJEEVAMMA
W/O LATE PUTTATHIMMAIAH
AGED ABOUT 65 YEARS
K R EXTENSION
MADHUGIRI-572132
MADHUGIRI TOWN

... PETITIONER

(By Sri. SUNIL S RAO, ADV.,)

AND

1. THE STATE OF KARNATAKA
REPRESENTED BY ITS CHIEF SECRETARY
VIKAS SOUDHA
DR AMBEDKAR VEEDHI
BENGALURU-560001

2. THE ASST. EXECUTIVE ENGINEER
NATIONAL HIGHWAY SUB DIVISION
ATTACHED TO PWD OFFICE
KUNIGAL ROAD
TUMKUR-572101

3. THE EXECUTIVE ENGINEER
PWD OFFICE
MADHUGIRI
TUMKUR DISTRICT-572132

4. THE CHIEF OFFICER
TOWN MUNICIPAL COUNCIL
MADHUGIRI
TUMKUR DISTRICT-572132

5. THE DEPUTY COMMISSIONER
TUMKUR DISTRICT
TUMKUR-572101

6. THE ASSISTANT COMMISSIONER
SUB DIVISION
MADHUGIRI

7. THE TAHSILDAR
MADHUGIRI
TUMKUR DISTRICT-572132

... RESPONDENTS

(By Sri: D ASHWATHAPPA, AGA)

THESE W.PS. FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECT THE RESPONDENTS ARE TO DULY IN ADVANCE NOTIFY THE PETITIONERS BEFORE TAKING UP ANY ROAD WIDENING ACTIVITY ON K.R. EXTENSION, PAVAGADA ROAD, MADHUGIRI TALUK, TUMKUR DISTRICT WHERE THE PETITIONER'S HOUSE IS RESIDING, DIRECT THE RESPONDENTS TO WIDEN THE ROADS WHERE THE PRIVATE PROPERTIES OF THE PETITIONER ARE INVOLVED ONLY AFTER ACQUIRING THE LANDS IN A MANNER KNOWN TO LAW AND DIRECT THE RESPONDENTS TO CONSIDER THE REPRESENTATION ISSUED BY THE PETITIONER.

THESE PETITIONS COMING ON FOR ORDERS THIS DAY,
THE COURT MADE THE FOLLOWING :

O R D E R

Registry has raised an objection that the documents are in Kannada, and English translated copies thereof have not been submitted by the petitioner.

2. The learned counsel for the petitioner submits that he has filed an application for dispensation of the translation of the documents. Since it would be difficult to understand the case without the translation of the documents, Interlocutory Application filed by the petitioner to dispense with the said requirement cannot be accepted. However, as the documents are lease deed and the documents are in Kannada, this Court grants 15 days time to submit the translated copies of the said documents.

3. Learned counsel for the petitioner has vehemently repeated that the respondent no.7 / Tahsildar, Madhugiri, Tumakuru District has orally passed a resolution on 19.04.2015 to proceed with widening of 12.50 meters, both sides, from the centre of the road in Madhugiri and would initiate steps to demolish the petitioner's properties. Therefore, the petitioner's prayer

before this Court that the respondents be prevented from widening the road, until and unless the petitioner has been served with the notice and has been given an opportunity of hearing by the respondent.

4. Considering the fact that the petitioner does have a constitutional right of property, considering the fact that the petitioner's house cannot be demolished without following the due process of law. The respondents are directed to serve a notice on the petitioner, and to give an opportunity of hearing before taking any course of action against her property.

With these directions, this petition is disposed of.

**Sd/-
JUDGE**

dh