

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF SEPTEMBER, 2015

BEFORE

THE HON'BLE MR. JUSTICE A.S. BOPANNA

WRIT PETITION NOs.41771-774/2015 (GM-FOR)

BETWEEN:

1. AUREEN RODRIGUES
W/O M J RODRIGUES
AGED ABOUT 77 YEARS
RESIDING AT ELIZA ESTATE
POLLIBETTA – 571 215
VIRAJPET TALUK
KODAGU DISTRICT
2. IVOR RODRIGUES
S/O M J RODRIGUES
AGED ABOUT 55 YEARS
RESIDING AT ELIZA ESTATE
POLLIBETTA – 571 215
VIRAJPET TALUK
KODAGU DISTRICT
3. PETER RODRIGUES
S/O M J RODRIGUES
AGED ABOUT 51 YEARS
RESIDING AT ELIZA ESTATE
POLLIBETTA – 571 215
VIRAJPET TALUK
KODAGU DISTRICT
4. MICHAEL JOSEPH RODRIGUES
S/O M J RODRIGUES
AGED ABOUT 38 YEARS
RESIDING AT ELIZA ESTATE
POLLIBETTA – 571 215

VIRAJPET TALUK
KODAGU DISTRICT – 571 215

... PETITIONERS

(BY SRI: T I ABDULLA, ADV)

AND:

1. THE DEPUTY COMMISSIONER
KODAGU DISTRICT
MADIKERI
KODAGU – 571 215
 2. THE TAHSILDAR
VIRAJPET TALUK
KODAGU – 571 215
 3. THE DEPUTY CONSERVATOR OF FOREST
VIRAJPET DIVISION
VIRAJPET
KODAGU DISTRICT – 571 215
- ... RESPONDENTS

(BY SRI:D NAGARAJ, AGA)

THESE WRIT PETITIONS ARE FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECT THE R3 TO DEPOSIT THE AMOUNT REALIZED IN THE PUBLIC AUCTION OF ROSEWOOD BELONGING TO THE PETITIONERS WHICH IS CUT FROM SY.NO.192/1 OF MEKOOR HOSEKERI VILLAGE, AMMATI HOBLI, VIRAJPET TALUK IN A CORPORATION OR NATIONALISED BANK OR IN JOINT NAMES OF THE PETITIONERS AND THE R3 AND ETC.,

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

O R D E R

Learned Government Advocate to accept notice for respondents 1 to 3 and file memo of appearance within four weeks.

2. The petitioners are before this Court seeking for a mandamus to be issued to direct the third respondent to deposit the amount realized in the public auction of rosewood belonging to the petitioners relating to the property in Sy.No.192/1 of Mekoor Hosakeri Village, Ammati Hobli, Virajpet Taluk. Petitioners are also seeking that the first respondent be directed to dispose of the appeal as directed by this Court earlier. The petitioners were before this Court in WP No.16720-16723/2015 claiming the right in respect of rosewood trees grown in the said property. This Court while disposing of the petition had permitted the respondents to sell the rosewood trees in public auction through Government depot. A direction was also issued to dispose of the appeal, which was pending before the first respondent.

3. Pursuant to the said order, the auction has been conducted and amount has been realized. The

appeal, however, has not been disposed of by the first respondent. It is in that light, the petitioner is before this Court with a prayer as sought.

4. Considering that the appeal is yet to be disposed of by the first respondent and if the same is disposed of, the right of the parties would be determined, it would be appropriate that the first respondent shall dispose of the appeal in RA 1/2013 in an expeditious manner. In the meanwhile, to protect the interest of all the parties concerned, the amount realized in the auction shall be kept in the fixed deposit in a nationalized Bank for a period of one year, so that the said deposit would earn interest for the benefit of the succeeding party.

5. Hence, a direction is issued to the third respondent to deposit the amount realized in the auction in a fixed deposit for a period of one year, in any nationalized Bank. Further, the first respondent is directed to dispose of the appeal bearing RA No.1/2013 as expeditiously as possible, but not later than two months from the date of which the copy of this order is furnished.

Petition is disposed of, in the above terms.

Sd/-
JUDGE

*bgn/-