NC: 2024:KHC:53120
WP No. 34728 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 20TH DAY OF DECEMBER, 2024

BEFORE

THE HON'BLE MR. JUSTICE E.S.INDIRESH

WRIT PETITION NO.34728 OF 2024 (LA-KIADB)

BETWEEN:

1. SRI. RAJANNA
   S/O MUDDARANGAIAH,
   AGED ABOUT 33 YEARS,
   R/AT TANGANAHALLI VILLAGE,
   KOLALA HOBLI,
   KORATAGERE TALUK,
   TUMKUR-572129

...PETITIONER

(BY SRI. OMKARA MURTHY G., ADVOCATE)

AND:

Digitally signed by SHARMA ANAND CHAYA
Location: High Court of Karnataka

1. THE STATE OF KARNATAKA
   BY ITS SECRETARY,
   DEPARTMENT OF COMMERCE AND INDUSTRIES,
   VIDHANA SOUDHA,
   BENGALURU - 560 001.

2. THE KARNATAKA INDUSTRIAL
   AREA DEVELOPMENT BOARD
   BY ITS CHIEF EXECUTIVE OFFICER
   AND EXECUTIVE MEMBER,
   NO.14/3, II FLOOR,
   R P BUILDING,
   NRUPATHUNGA ROAD,
   BENGALURU - 560 001.

3. THE SPECIAL LAND ACQUISITION OFFICER NIMZ
KARNATAKA INDUSTRIAL AREAS DEVELOPMENT
BOARD, I FLOOR,
MARUTHI TOWER,
NEAR SIT MAIN GATE,
TUMKUR - 572 103.

…RESPONDENTS

(BY SRI. RAVINDRANATH B., AGA FOR R1;
SRI. P.V. CHANDRASHEKAR, ADVOCATE FOR R2 & R3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE GENERAL AWARD BEARING NO.SLAO/KIADB/TU /NO.22809/2023-24 DATED 16/12/2023 PASSED BY 3RD RESPONDENT IN RESPECT OF THE PETITIONER WAS THE ABSOLUTE OWNER OF LAND BEARING SY.NO.18/3 MEASURING 0-15 GUNTAS, SITUATED AT TANGANAHALLI VILLAGE, KOLALA HOBLI, KORATAGERE TALUK, TUMKUR DISTRICT, OF PETITIONER IS CONCERNED, WHICH IS PRODUCED AT ANNEXURE-A; AND ETC.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE E.S.INDIRESH

ORAL ORDER

1. Heard learned counsel appearing for the parties.

2. The grievance of the petitioner is that the land belonging to the petitioner has been acquired by the respondent -KIADB for the purpose of industrial area and the petitioner is seeking quashing of the impugned General Award dated 16.12.2023 (Annexure-A), inter alia, sought for a direction to the respondent - KIADB to pass the consent award under Section 29(2) of the KIAD Act.

3. In that view of the matter, accepting the submissions made by the learned counsel appearing for the parties and taking into consideration catena of decisions rendered by this Court in identical circumstances, I pass the following:

O R D E R

1) Writ Petition is ***allowed***;

2) Genera Award dated 16.12.2023 passed by the respondent - SLAO in respect of the land

of the petitioner herein is concerned, is hereby quashed;

3) Respondent No.2-Karnataka Industrial Area Development Board is directed to consider the case of the petitioner in terms of Section 29(2) of the KIAD Act upon the petitioner satisfying all the requirements thereof;

4) In the event of there being any adverse claim with regard to subject land belonging to the petitioner prior to the disbursal of the amount, the General Award will be revived automatically;

5) Respondent No.2-Karnataka Industrial Area Development Board is directed to withdraw the amount in deposit before the competent Court, if any, and disburse to the petitioner in terms of the observation made above in accordance with law.

SD/-
(E.S.INDIRESH)
JUDGE

sac
List No.: 1 Sl No.: 8