NC: 2024:KHC:53115
WP No. 34706 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.34706 OF 2024 (LA-KIADB)

BETWEEN:

1. SMT. G. HONNAMMA
   W/O. LATE B.H. MALLIKARJUNAPPA,
   AGED ABOUT 65 YEARS,

2. MS. INDIRA JYOTHI B.M.
   D/O. LATE B.H. MALLIKARJUNAPPA,
   AGED ABOUT 38 YEARS,

3. PADMARJUNA B.M.
   S/O. LATE B.H. MALLIKARJUNAPPA,
   AGED ABOUT 37 YEARS,

   ALL ARE RESIDING AT
   NO.7032, SOBHA RUBY,
   3RD FLOOR, SOBHA APARTMENTS,
   7TH BLOCK, NAGASANDRA,
   BENGALURU -560 073.

...PETITIONERS

(BY SRI. SHARAN N. MAJAGE, ADVOCATE)

AND:

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

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

2. KARNATAKA INDUSTRIAL AREAS DEVELOPMENT BOARD
REP. BY ITS CHIEF EXECUTIVE OFFICER
AND EXECUTIVE MEMBER,
KHANIJA BHAVANA,
RACE COURSE ROAD,
BENGALURU-560001.

3. THE SPECIAL LAND ACQUISITION OFFICER,
KARNATAKA INDUSTRIAL AREAS DEVELOPMENT BOARD, NO.39,
BHARATH SCOUTS AND GUIDES BUILDING,
4TH FLOOR, PALACE ROAD,
BENGALURU -560 001.

…RESPONDENTS

(BY SRI. RAVINDRANATH B., AGA FOR R1;
SRI. H.L. PRADEEP KUMAR, ADVOCATE FOR R2 AND R3)

THIS W.P. IS FILED PRAYING TO QUASH THE GENERAL AWARD BEARING NO.KIADB/BHUSWA-2/2425/2021-22 DATED 30.08.2021 PASSED BY THE RESPONDENT NO.3 IN RESPECT OF LAND IN SY.NO. 3/2B MEASURING 3 ACRES 31 GUNTAS, SITUATED AT BARGENAHALLI VILLAGE, SOMPURA HOBLI, NELAMANGALA TALUK, BANGALORE RURAL DISTRICT, INSOFAR AS THE PETITIONERS ARE CONCERNED WHICH ARE PRODUCED AS ANNEXURE-F; AND ETC.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, 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 petitioners is that the land belonging to the petitioners has been acquired by the respondent -KIADB for the purpose of industrial area and the petitioners are seeking quashing of the impugned Award dated 30.08.2021 (Annexure-F), 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 30.08.2021 passed by the respondent - SLAO in respect of the land

of the petitioners herein are concerned, is hereby quashed;

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

4) In the event of there being any adverse claim with regard to subject land belonging to the petitioners 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 petitioners in terms of the observation made above in accordance with law.

SD/-
(E.S.INDIRESH)
JUDGE

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List No.: 1 Sl No.: 30