

(2024) 12 KAR CK 0038

Karnataka High Court At Bengaluru

Case No: Writ Petition No. 35828 Of 2024 (LA-KIADB)

Thimmarayaswamy C N

APPELLANT

Vs

State Of Karnataka Represented
By Its Secretary, Department Of
Commerce And Industry, M S
Building, Dr Ambedkar Road,
Bengaluru - 560001 & Ors.

RESPONDENT

Date of Decision: Dec. 31, 2024

Hon'ble Judges: Suraj Govindaraj, J

Bench: Single Bench

Advocate: Fayaz Sab B.G., Mohammed Jaffar Shah

Final Decision: Disposed Of

Judgement

Suraj Govindaraj, J

1. Learned Additional Government Advocate accepts notice for respondent No.1.
2. Learned counsel Sri. P.V.Chandrashekar is directed to take notice for respondent Nos.2 to 4.
3. Notice to respondent Nos.5 and 6 is dispensed with in view of the proposed order to be passed.

4. The petitioner is before this Court seeking for the following reliefs:

1. TO, ISSUE A WRIT OF MANDAMOU, Sin the nature of Order/direction, directing the Respondent Nos.3 & 4 to consider the

Representations dated 08.08.2024 submitted by the petitioner requesting not to disburse the award amount to the Respondent Nos.5 & 6

since the Schedule Property is Hindu Undivided joint Family Property of the Petitioner herein, which are produced herewith for the kind

perusal of this Hon'ble Court and marked as ANNEXURES-G & H, in the interest of justice and equity.

2. TO, GRANT, such other relief or reliefs as this Hon'ble Court deems fit to grant under the circumstances of the case, in the interest of justice and equity.

5. The grievance of the petitioner is that the compensation amount towards property acquired by the KIADB as regard with the petitioner has right in, is proposed to be disbursed to respondent Nos.5 and 6 without considering the rights of the petitioner. If at all, the petitioner has any right in the property, it is always available to the petitioner to seek for reference to determine the apportionment of the compensation as regards acquiring.

6. In that view of the matter, reserving liberty to the petitioner to seek for such reference by filing necessary applications before respondent No.4, the above petition is disposed off.

7. If an application for reference is made before respondent No.4, respondent No.4 to decide on the same within two weeks of the application being filed.