

C.A.No. 2220 OF 1998  
ITEM No.109

Court No.8

SECTION IVA

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Civil Appeal No.2220/1998

KARNATAKA ELECTRICITY BOARD & ANR.

Appellant (s)

VERSUS

STATE OF KARNATAKA & ORS.

Respondent (s)

(With office report)

Date : 18/12/2003 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.N. VARIAVA  
HON'BLE MR. JUSTICE H.K. SEMA

For Appellant (s)Mr. S.K. Kulkarni, Adv.  
Mr. M. Gireesh Kumar, Adv.  
Mr. Ankur S. Kulkarni, Adv.

For Respondent (s)Mr. N. Ganpathy, Adv.

Mr. G.V. Chandrashekhar, Adv.  
Mr. P.P. Singh, Adv.

UPON hearing counsel the Court made the following  
O R D E R

Heard parties.

The appeal stands dismissed in terms of the signed order. There will be no order as to costs.

(K.K. Chawla)  
Court Master

(Jasbir Singh)  
Court Master

[Signed order is placed on the file]  
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.2220 OF 1998

KARNATAKA ELECTRICITY BOARD & ANR.

Appellant (s)

VERSUS

STATE OF KARNATAKA & ORS.

Respondent (s)

O R D E R

This appeal is against the judgment of the High Court dated 31st July, 1997.

The only question raised is whether the Land Acquisition Officer is bound to pass an award, under Section 11(2) of the Land Acquisition Act, in terms of an agreement between the parties. Reliance was placed upon the authorities in the cases of Karnataka Electricity Board v. State of Karnataka reported in (2002) 3 SCC 141 and Ishwarlal Premchand Shah & Ors. v. State of Gujarat & Ors. reported in (1996) 4 SCC 174.

We, however, find from the award of the Land Acquisition Officer that the appellants had appeared before the Land Acquisition Officer and stated that no consent letter had been executed by the land owners. The appellants had consented to determination of the value as per the Land Acquisition Act. Thus, even if there was an agreement, the same was given a go-bye to by the parties, including the appellants. The writ petition of the appellants has been dismissed on this ground. We see no infirmity in this reasoning.

Accordingly, the appeal stands dismissed. There will be no order as to costs.

.....J.  
(S.N. Variava)

.....J.(H.K. Sema)  
New Delhi;  
December 18, 2003.