

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

Petition(s) for Special Leave to Appeal (Civil) No(s).13783-13784/2013

(From the judgement and order dated 10/12/2012 in WA No.50563/2012 and WA No.50564/2012 of The HIGH COURT OF KARNATAKA AT GULBARGA)

NAGENDRA & ORS.

Petitioner(s)

VERSUS

STATE OF KARNATAKA & ORS.

Respondent(s)

(With appln(s) for exemption from filing O.T. and with prayer for interim relief and office report)

Date: 18/04/2013 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI

HON'BLE MR. JUSTICE SHARAD ARVIND BOBDE

For Petitioner(s)

Mr.M.Gireesh Kumar, Adv.

For Respondent(s)

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

This petition is directed against order dated 10.12.2012 of the Division Bench of the Karnataka High Court, Circuit Bench at Gulbarga whereby the writ appeals filed by the petitioners were dismissed and the order passed by the learned Single Judge refusing to entertain their prayer for quashing the acquisition of their land was upheld.

In the objections filed by them under Section 5A(1) of the Land Acquisition Act, 1894, the petitioners have specifically pleaded that the land proposed to be acquired was the only land of the entire family and they will be thrown on the roads at the mercy of the Almighty God. They also prayed that if the land is acquired then the adequate compensation should be awarded to them.

The learned Single Judge and the Division Bench of the High Court misread the objections filed by the petitioners and dismissed the writ petitions and the writ appeals by assuming that they were only interested in higher compensation.

Issue notice on the special leave petitions as also on the petitioners' prayer for interim relief, returnable on 26.07.2013. Dasti, in addition, is permitted.

Till the next date of hearing, status quo regarding possession of the property in question, as it is obtaining today, shall be maintained by both the parties. This would necessarily mean that neither party shall alter the present character of the property or alienate the same to any other person in any manner whatsoever.

It shall be the petitioners' duty to serve the respondents before the next date of hearing failing which the interim order passed today shall stand automatically vacated.

(Satish K.Yadav)
Court Master(Phoolan Wati Arora)
Court Master