

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 8TH DAY OF JANUARY 1999

PRESENT

THE HON'BLE MR. JUSTICE A.J. SADASHIVA

AND

THE HON'BLR MR.JUSTICE S.R. KANNURMATH

WRIT APPEAL No. 2488/1997

BETWEEN:

Sri Chennaiah, s/o  
Lakkegowda, aged about  
75 years, r/o Bogadi  
Village, Kasaba Hobli,  
Mysore Taluk & Dist..

.. Appellant

(By Sri K.T.Mohan, Adv.,)

AND:

1. State of Karnataka,  
by its Secretary,  
Revenue Department,  
M.S.Building,  
Bangalore-560 001.
2. Special Dy. Commissioner,  
Mysore Dist., Mysore.
3. Land Acquisition Officer  
and Asst.Commissioner,  
Mysore Sub-Division,  
Mysore.
4. M/s.Bharath Earth Movers  
GruhaNirmana Sahakara  
Sangha Niyamitha, Mysore,  
rep by its Secretary.

.. Respondents

(By Sri T.S.Ramachandra, Adv., for R4;  
Sri A.V.Srinivasa Reddy, AGA, for R1 & 2)

This Writ Appeal filed u/s 4 of the Karnataka High Court Act, praying to set aside the order dated 17.1.97 in W.P.No. 766/1997.

This Writ Appeal coming on for prly. hearing this day, SADASHIVA J., delivered the following :-

#### JUDGMENT

Though this Appeal was listed for preliminary hearing, it was treated to have been listed for hearing with the consent of the learned Counsel appearing on both the sides and heard on merits and disposed of by this order.

2. This Appeal is directed against the order dated 17th January 1997 passed by the learned single Judge in W.P.No.766/1997 dismissing the same solely on the ground of delay and laches.

3. It is not in dispute that the petitions filed by various other owners challenging

*Am.*

the acquisition under the very notification are pending adjudication before this Court. In view of the pendency of other petitions filed during the year 1995, we are of the view that no prejudice would have been caused to the respondents if W.P. 766/1997 was also heard and disposed of on merits alongwith other petitions. In view of the pendency of those petitions, we are also of the further view that delay and laches even if there was any, it should not have been the ground to reject the same where the legality or otherwise of the notifications impugned in the petition has been the subject matter of other pending petitions.

4. For the reasons aforesaid, this Appeal is allowed. The order dated 17th January 1997 passed by the learned single Judge in WP No.766/1997 is set aside and the matter is remitted to the learned single Judge for disposal on

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merits alongwith W.P.Nos.37227 and  
37228/1995 and other connected  
petitions.

5. In the circumstances of the case,  
there is no order as to costs.

Sd/-  
Judge

Sd/-  
Judge

ck1/8199

