

Writ Appeal No. 6755 of 2013 (LA-RES)

Hemavathi Reservoir Project v. D. Manjunath

2014 SCC OnLine Kar 9668

(BEFORE K.L. MANJUNATH AND RAVI MALIMATH, JJ.)

1. The Special Land Acquisition Officer, Hemavathi Reservoir Project, Holenarasipura, Hassan - 673 201.
2. The Deputy Commissioner Hassan District, Hassan - 673 201.
3. The Principal Secretary Department of Revenue, M.S. Building, Bangalore - 560 001 Appellants

Sri. D. Ashwathappa, AGA

v.

1. D. Manjunath S/o Late Dasegowda Aged about 57 years
2. Smt. Lakshmamma W/o Dasegowda, Aged about 70 years
3. Sannegowda S/o Bhachegowda, Aged about 77 years
4. Huchegowda S/o Puttegowda, Aged about 64 years All are R/a Maggekavalu Doddamagge Hobli, Arakalagudu Taluk, Hassan District - 573 201.
5. The Managing Director Cauvery Niravari Nigama, Cauvery Bhavan Complex, 4th Stage, Gokulam, Mysore - 570 001.
6. The Chief Administrative Officer, Cauvery Neeravari Nigam, Cauvery Bhavan Complex, 4th Stage, Gokulam, Mysore - 570 001 Respondents

Sri. G.V. Narasimha Murthy, Advocate for C/R2 to R4

Writ Appeal No. 6755 of 2013 (LA-RES)

And

Writ Appeal Nos. 6759-6761 of 2013 (LA-RES)

Decided on December 8, 2014

JUDGMENT

We have heard the learned Government Advocate for the appellants and the learned counsel for the contesting respondent.

2. The appellant State of Karnataka is questioning the legality & correctness of the order passed by the learned Single Judge in writ petition No. 33125/2011 and writ petition Nos. 36174 to 176/2011 dated 20th March, 2012 wherein the learned Single Judge has directed the State Government to pay the compensation payable to the contesting respondents who are required to be rehabilitated from their residential houses on account of the dampness due to Hemavathi Reservoir Project.
3. The writ petitioners, the residents of Maggekavalu village, Doddamagge Hobli, Arakalagudu Taluk, are suffering from dampness due to the Hemavathi Reservoir Project and the Government declared it as a "cold areas" or "damp areas" and the houses are to be shifted and rehabilitated. Though the Notification is of the year 2001 and the award was passed on 14-9-2009 the compensation has not been paid to the writ petitioners. Therefore they filed the writ petitions. The learned Single Judge

having examined the papers allowed the writ petitions and directed the Government to disburse the compensation payable to the writ petitioners. Aggrieved by the same, the present appeal is filed.

4. There is a delay of 588 days in filing the appeal. We have seen the affidavit filed in support of the application to condone the delay of 588 days.

5. On hearing the learned Government Advocate and on perusal of the application and the affidavit filed in support of the application we do not find any reasons to condone the delay of 588 days. The affidavit is stereo typed which will be filed by all the officers of the State in most of the matters. The officers have no concern for the common man. In the instant case, the writ petitioners are suffering from water borne diseases on account of the dampness, Though there is a Government order to shift them to and rehabilitate them till today it has not been done for more than two decades and the documents produced by the appellants discloses that the first Para was substituted and the villagers have to be rehabilitated by shifting them from their present houses. Still the Government has not made up its mind to rehabilitate them. Be that as it may, considering the cause shown by the appellants we are of the view that the delay of 588 days cannot be condoned since no sufficient cause is shown to condone the delay.

6. Accordingly, this appeal is dismissed.

Three months time is granted to disburse the compensation payable to the writ petitioners failing which it is open for the writ petitioners to initiate contempt against the appellants.

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