

**IN THE HIGH COURT OF KARNATAKA AT BANGALORE**

DATED THIS THE 11<sup>TH</sup> DAY OF JULY 2012

BEFORE

**THE HON'BLE MR. JUSTICE S. ABDUL NAZEER**

WRIT PETITION No.10094/2012 (LA-KIADB)

BETWEEN :

1. Gopi Poojarchy  
Aged 62 years  
W/o. late Gopa Poojary
2. Nagarathna  
Aged 43 years  
D/o. late Gopa Poojary
3. Yashoda  
Aged 39 years  
D/o. late Gopa Poojary
4. Ekanatha Poojary  
Aged 41 years  
S/o. late Gopa Poojary
5. Madhusudhana  
Aged 35 years  
S/o. late Gopa Poojary
6. Ambika  
Aged 32 years  
D/o. late Gopa Poojary

All are r/a. Tejamane  
Yellur Village

Post Kemmundelu  
Udupi Taluk & District

Petitioner Nos.1 to 3  
And 5 and 6 are  
rep. by the GPA Holder -  
The 4<sup>th</sup> petitioner Ekanatha  
Poojary

... PETITIONERS

(By Sri. S.K. Acharya, Adv.)

AND :

1. The Special Deputy Commissioner  
KIADB, 14/3, II Floor  
Rashthrothana Parishath Building  
Nrupathunga Road  
Bangalore – 01
2. The Special Land Acquisition Officer  
KIADB, Bykampady Industrial Area  
Bykampady  
Mangalore 575 011
3. Udupi Power Corporation Ltd.  
No.202, Prestige Opal  
2<sup>nd</sup> Floor, 146, Infantry Road  
Bangalore - 560 001  
Rep. by its Executive  
Director (Technical)

... RESPONDENTS

(By Sri. P.V. Chandrashekar, Adv. for R-1 and R-2  
Sri. P.N. Rajeshwar, Adv. for R-3)

This writ petition is filed under Articles 226 and 227 of the Constitution of India praying to direct the respondents to pay the revised/enhanced compensation amount as decided in the proceedings at Annexures-B to D, and etc.

This writ petition coming on for *Orders* this day, the Court made the following:

### **ORDER**

In this case, the petitioners have sought for a writ of mandamus directing the respondents to consider their case for enhancement of compensation in terms of the proceedings as per Annexures-‘B’ and ‘C’ dated 30.12.2006 and 21.12.2006 respectively and for payment of the balance of compensation as per the revised rate. A memo dated 9.7.2012 has been filed by the 3<sup>rd</sup> respondent signed by Sri. Sunil L. Naik, its Company Secretary, who is present before the Court. The memo reads as under:

“ Without prejudice to the defence taken, the respondent No.3 submits, in the interest of the power project, that the respondent No.3 is agreeable to pay as ex-gratia, at the rate of

Rs.4.56 lakhs per acre for dry land and @ Rs.5.16 Lakhs per acre for Wet/Garden land, subject to deducting the amount already received or deposited under the General Award to all those claimants who have received compensation under General Award or compensation is deposited in the Reference Court.

The respondent No.3 would give its consent to the KIADB to adjust the deposits held by it towards payment of the differential amount payable as ex-gratia and if the present deposits are not sufficient to meet the demand towards ex-gratia amount agreed to be paid under this memo, would deposit the required funds with the Karnataka Industrial Areas Development Board within a period of 8 (Eight) weeks once the demand is raised by the KIADB.

The amount adjusted from the deposits made by the respondent No.3 with KIADB or amount deposited pursuant to demand as aforesaid could be disbursed by KIADB in accordance with law to the persons entitled in full and final settlement of their claims after

executing Consent Agreement for full and final settlement.

The respondent No.3 prays that this Hon'ble Court may be pleased to dispose of the above writ petition in terms of this memo, in the interest of justice and equity. ”

2. Learned counsel for the petitioners submits that the petitioners have no objection for disposal of the writ petition in terms of the aforesaid memo. The memo filed by the 3<sup>rd</sup> respondent is placed on record. The writ petition is disposed of in terms of the aforesaid memo. The 3<sup>rd</sup> respondent is directed to deposit the balance of the compensation amount before the 2<sup>nd</sup> respondent within four weeks from the date of receipt of a copy of this order to enable him to disburse the same to the petitioners. If surplus amount is available with the 2<sup>nd</sup> respondent, the 3<sup>rd</sup> respondent need not deposit the balance of compensation in terms of this order. The 2<sup>nd</sup> respondent is directed to pay the balance of compensation to the

petitioners within three months from the date of receipt of a copy of this order. Writ petition is disposed of accordingly.

No costs.

**Sd/-  
JUDGE.**

Cs/-