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Karnataka High Court
Chikkaveeraiah S/O Sri ... vs The State Of Karnataka on 30 July, 2008
Author: Manjula Chellur K.N.Keshavanarayana
      IN THE HIGH COURT OF KARHATMQ AT BANGA.I..OR .E
      DATED TI-HS THE 391% BA? or JULY 2003 g Q
      PRESENT
      mm Hownm MR8. JUSTICE M AKJULA éi{'Ei..LIfR
      AND
      was I-IOWBLE 1vm..ws'r1cE;i;;:q:xEé:a;iva.n;m;a;$*A1§A§
                        I' §
      'Writ Appeal Ho.
      Between: A . x L U
      Clhikkavevzxaiah
      S/0 S13 Puttaveei?aiaii . . .
      Represented
                     dwér
      Attorney Hofider;
      S/0 Sri Puii:aveeraiai};.V*«V.. »V' 'A '~
      Agad 52 years, Gccz AgI'iCu}, {u1fi; §t,¢
      Rio 52120, sthfimss % %
      2*1"Stagc, J.P.1\Ia"gaz'" V '
      Killa Mohégiiiéi ., _ H V
      }M3»*sQre H ---- .. Appellazxt
      (s'yT...s1i1\a--.vs. 85 Sri M.P.Srikanth, Advacatcs)
       The Si'}.§1f;;:V1t;i.'I'.x'§€!1II2ataka
      -By nits Secrrjtzaxy
       V' .I3epart3;1enf of Urban
           D<:ve:Iop'mezrf, M.S.Bu;iléing
       *-..BaL=?galore ~-- 560 00 1
      25'; . Commissioner
        . .~ Mysoze Urban Development
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Authority, Mysore .. Respondents

(By Sari Marayanappa, Aédl. Govt. Advocate for R-3]: I~i.C.Shivaramu, Advocate for R4) ":.

This writ appeal is \Box ed u/s 4 of {he Kama:.aF,a.Hi§h 'Odin .V Act praying to set aside the order passadé 'in the' pe:§;:'...\tilde{\text{Len}} n No.50315/2004 dt.29.10.2007 and etc.1_j; 2 * ... 'This appeal coming up for adI_);_1issi(§n_{1}). 2 L' Chcllur J., deiivered the fc)1.l<)Wéng;- .. JUEGMENTVV' I'; is not in dispuie "situated in Kuplur Village ef Mysore for acquisition by the msponde;}i\text{LAYE.:t3};i\text{i;1it\$:'. VV E9:E32 i.e., gsreliminary noti\text{Latsig}\text{L27.04. 3.998. It is also not}

113. disiauts ths □Er: acquired aiong a vast ama of acmg t:<:;. di □mnt owners of {hit said area. g11«éé§i.£re\$ abcmt 1 acre and 20 gtmtas. T136 sai □m for the formation of Kup1ur--I\iachanaha]li in;-.sidenAt'i\$ iayoL1:t';' AT Subsequent to fmai noti □tation in the year iJ1'i?___94!'''},AA a □peiiaxzt aypmached this Court in thc: year 2003 of mandamus against the Government to denotify to 33:3, ctxtent of 1 acne and 8 glmtas in Sy.No,39/2' as the ':3-;aVii1e was not utilised for the fermation of the said layout. my that formation of a layout includes fermation of mads___for the access by the users of the said layout and even .«t5at's--iders. Therefore laying the made in the layouts is V' formation of the layout. in that View of the émattei □ eaxmot now argue that long after the zejectien (his request for reeonveyanee on the l\$ted;._'xx:_hgcl31 L' kept without any utilisation came sttbeetittentiy is of no relevance to the situation; '-«._..5'>¢¢t30n,:.j. Try'?-3 Act refers to a situation when acquisition lapse.s:=i.e.--.,if portion of the scheme not being t§ie..ve€::iicefned authority. The respondentégAuth_e□\$2--=V 130 acres of land for the formation of 90 per cent of the land and it is not even he of learned counsel for the appellant that Allayoiitlllaeesulcfl is in the said area. The substantial of scheme is with reference to the entire area ef aeq11isjtionv.etltt.-□t in respect of any particular land.

4. Therefore, viewed from any angle we art: of t11§:' {5piixipn that there are no good gmunds to interftszrrst with this ieaxned Single Judge. Acconiingly, the appeal is S;

, I?-1cIqe%[