

IN THE COURT OF DEPUTY COMMISSIONER UTTARA KANNADA KARWAR

Present: Sri. S S Nakul, I.A.S.
Deputy Commissioner,
Uttar Kannada, Karwar.

No. SLAO/SB/CT/235/2015-16

Between

1. Miss. Gauri D/o Anil Achari
R/o Mudgeri Village, Sea bird Rehabilitation Centre
Plot no. 548 & 549 Tq: Karwar

.... Petitioner

V/s

1. Government

.... Respondent

Sub: As per direction of Hon'ble High Court of Karnataka Dharwad Bench,
Dharwad on file no. W.P. No. 108503/2015 dated 17-2-2017.

Preamble:

The instant case has been taken up following the remand order of the Hon'ble High Court of Karnataka Dharwad Bench, Dharwad in W.P. No. 108508/2015 dated 17-2-2017 and directed the Deputy Commissioner after to pass appropriate order expeditiously. Notices were issued to petitioner.

The brief facts of the case are as follows:

The land bearing Plot no. 548 & 549 an extent of 1-22-4 (A-G A) in Mudgeri Sea bird rehabilitation centre was granted to Miss. Gauri D/o Anil Achari on lease basis by Deputy Commissioner Uttara Kannada Karwar vide order no. PSB-RHN-CR-235-1999-2000 dated 15-9-2005 for the period of 10 years from the date of order at an annual lease rent of Rs. 13,700/- stipulating 15 conditions for cultivations in the mushrooms in the said area. Accordingly an agreement was made of 15-10-2005 between the Deputy Commissioner Uttara Kannada Karwar and the petitioner. As such the land was handed over to the petitioner by the special Tahashildar Sea Bird Karwar on 16-9-2005. The land acquisition officer Sea bird Karwar had spot inspection on 30-07-2017 wherein it was seen that no activities is going on in the area for the propose which unit has been leased. Tahashildar Karwar reported that no activity is been run by the unit. The unit has not provided job opportunities to the local poor woman. Since the unit to be run was total labor oriented and the unit has also not paid the annual lease amount. The lessee has violated 4 prime conditions.

- 1) The said land including existing buildings shall be used to run the aforesaid unit.
- 2) Payment of lease amount is yearly and shall be paid at the beginning of the year i.e, 1st April of every year.
- 3) The lease shall be liable to be terminated for contravening any of the conditions stipulated.
- 4) The decision of the Deputy Commissioner Uttara Kannada, Karwar shall be final and binding to the lease.

On the basis of this Deputy Commissioner terminated the land lease order of "Shubh Gauri Farms and foods". Being aggrieved this the petitioner Miss. Gauri D/o Anil Achari file an W.P. 66578/2009 at Hon'ble High Court, Dharwad Bench Dharwad. After hearing the case Hon'ble High Court in its order dated 2-2-2015 dispose the case by order that "It is open to reconsider the matter keeping in view reply/explanation of the petitioner if submitted and pass further order with regard to termination or otherwise of the lease granted to the petitioner". As per Hon'ble High Court order the notice was issued to Anil P Achari "Shubh Gauri Farms and foods".

Mudgeri Sea bird Colony Karwar by Special Land Acquisition Officer Sea Bird Karwar on 3-3-2015 and 24-3-2015. Sri. Anil P Achari, "Shubh Gauri Farms and foods" have appeared and submitted a letter that his elder daughter Dr. Gouri Anil Achari is Microbiologist and was listing researches at Ohio State University, USA. Currently he and his wife are dealing with companies namely M/s NPCIL Kaiga, M/s Tata Macro Polo, Dharwad, M/s M G Automotive, Hyderabad, M/s Pentair water, Goa and M/s Alma Motors, Belgaum. We have manufactured and supplied turnkey powder coating plants in Karwar, Goa, Hubli, Kerala, Maharashtra, Punjab etc, But no supportively, documents were submitted in this regards.

The Special Land Acquisition Officer, Seabird Karwar has a spot inspection on 10-4-2015, where it was seen that no cultivation is on going in the lease area at Mudgeri Plot no. 548 & 549 for the purpose of which the unit was being leased. And the unit has not provided job opportunity to the local poor women, and the unit has also not paid the annual lease amount of Rs. 13700/- to the Revenue Department.

The local publics have also reported the land allotted for Mushroom cultivation unit is being misused for illegal activities. This was also published in the local news paper.

After considering of all the points, and scrutiny of the documents it is proved that lessee have violated the conditions. On this basis Deputy Commissioner Uttara Kannada Karwar in his order no. SLAO-SB-CR-235/2015-16 dated 6-8-2015 ordered that unit of "Shubh Gauri Farms and foods" is terminated. Against this order the petitioner Miss. Gouri Anil Achari filed W.P. No. 108508/2015 before Hon'ble High Court Karnataka Dharwad Bench, Dharwad and Hon'ble High Court remanded this case to Deputy Commissioner Karwar to pass appropriate order. Notice were issued to the petitioner Miss. Gouri Anil Achari on 7-3-2017 and case was heard on 20-3-2017 and 10-4-2017. None of the supported documents or written argument was submitted by Miss. Gouri Anil Achari during the time of hearing despite providing opportunity.

On the perusal of records it is clear that petitioner Miss Gouri Anil Achari has not utilised the land for the primary reason for which was granted and has indeed violated the conditions of lease such as

1. The said land including existing buildings shall be used to run the aforesaid unit.
2. The should provide job opportunity to local poor woman, since the unit to be run is totally labor oriented.
3. Payment of lease amount is yearly and shall be paid at the beginning of the year i.e, 1st of April every year.
4. The lease amount should be paid to the Revenue Department.


Hence, I proceed the following order.

No.SLAO/SB/CT/235/2015-16

Date: 20-04-2017

Order

The land leased including buildings in Plot no. 548 & 549 at Mudgeri village Tq. Karwar to "Shubh Gauri Farms and foods" on 15-9-2005 is hereby terminated with immediate effect with direction to Special Land Acquisition Officer, Sea bird Karwar to vacate the unit and take possession of land within 3 days time.


Deputy Commissioner,
Uttar Kannada, Karwar

Copy to:

1. Miss Gouri A Achari R/o Mudgeen Village, Sea bird Rehabilitation Centre
Plot no. 548 & 549 Tq: Karwar
2. Special Land Acquisition Officer, Sea bird Karwar further necessary action.
3. Tahashildar Karwar for information and necessary Action.

