

**IN THE HIGH COURT OF KARNATAKA  
CIRCUIT BENCH AT DHARWAD**

DATED THIS THE 7<sup>th</sup> DAY OF SEPTEMBER, 2012

**: PRESENT :**

**THE HON'BLE MR.JUSTICE N.K.PATIL**

**AND**

**THE HON'BLE MR. JUSTICE B.V.PINTO**

W.A.No.30907/2012 [GM-KEB]

BETWEEN

RIDDHI SIDDHI GLUCO BIOLS LTD.,  
A COMPANY INCORPORATED UNDER THE  
COMPANIES ACT, 1956, HAVING ITS  
REGISTERED OFFICE AT 701, SALAR-1  
OPPOSITE GANDHIGRAM, RAILWAY STATION  
ASHRAM ROAD, AHMEDABAD-380 009 AND  
AMONGST OTHERS, AN INDUSTRIAL UNIT  
AT GOKAK FALLS ROAD  
GOKAK-591 307  
REPRESENTED BY ITS GENERAL MANAGER  
Shri.JITENDRA SOLANKI

...APPELLANT

(By Sri N M HANSI, ADVOCATE)

AND

I. GOVERNMENT OF KARNATAKA  
ENERGY DEPARTMENT  
BY ITS SECRETARY  
KARNATAKA GOVT. SECRETARIAT  
M S BUILDING  
BANGALORE-560 001

2. CHIEF ELECTRICAL INSPECTOR  
NO.32/1-2, CRESCENT TOWERS  
II FLOOR, CRESCENT ROAD  
BANGALORE
  3. DEPUTY COMMISSIONER  
DISTRICT BELGAUM  
BELGAUM
- ... RESPONDENTS

(By Smt K.VIDYAVATI, AGA)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT, 1961, PRAYING TO SET ASIDE THE ORDER DATED: 26/06/2012 PASSED BY THE LEARNED SINGLE JUDGE DISMISSING THE WRIT PETITION NO.66770/2011.

THIS WRIT APPEAL COMING ON FOR PRELIMINARY HEARING THIS DAY, **N.K.PATIL J.**, DELIVERED THE FOLLOWING:-

### **JUDGMENT**

Though this matter is posted for preliminary hearing, with the consent of learned Counsel appearing for both the parties, the matter is taken up for final disposal.

2. The appellant herein being aggrieved by the order impugned dated 26.6.2012 in W.P.No.66770/2011 passed by the learned Single Judge has presented this appeal.

3. The appellant/petitioner questioning the correctness of the recovery notice dated 22.3.2011 vide Annexure 'C', the notice dated 23.4.2011 vide Annexure 'D' respectively, and for restraining the respondents from recovering ₹26,13,753/- has filed W.P.No.66770/2011. The said writ petition has been dismissed by the learned Single Judge.

4. The undisputed facts of the case in hand are that, earlier, the appellant had filed W.P.No.6325/2007, which has been disposed of by the learned Single Judge on 9.4.2008. Assailing the correctness of the order dated 9.4.2008 passed in W.P.No.6325/2007 by the learned Single Judge, the appellant herein filed W.A.No.5054/2008, which has been dismissed by the Division bench of this Court on 12.7.2011.

5. Be that as it may, instead of complying the directions issued by this Court on 9.4.2008 in W.P.No.6325/2007, the petitioner filed another case. He has not made sincere efforts to pay the amount.

Therefore, respondent constrained to issue recovery notice dated 22.3.2011 vide Annexure 'C' and notice dated 23.4.2011 vide Annexure 'D' respectively. Assailing the correctness of the impugned demand notices vide Annexures 'C' & 'D', the appellant/petitioner filed W.P.No.66770/2011. The said matter had come up for consideration before the learned Single Judge on 26.6.2002. The learned Single Judge, after hearing both the sides and after considering the relevant materials available on the file, has held that, there is no error in the impugned notice/letter and the appellant/petitioner is due the aforementioned sums of money to the second respondent, which is a public money, since about eight years, he has not chosen to pay the said amount and the same have to be recovered as arrears of land revenue as all the efforts for recovery by the respondents have failed. Since the appellant/petitioner has not paid the said money, there is no ground to interfere with the said notice/letter and dismissed the said petition. Being aggrieved by the

impugned order passed by the learned Single Judge, the appellant has presented this appeal.

6. We have heard the learned Counsel appearing for the appellant and learned AGA appearing for the respondents.

7. On evaluation of the entire records available on the file, after perusal of the order impugned and other materials available on the file, we do not find any error, much less material irregularity in the same, which has resulted in miscarriage of justice. It is a second round of litigation. Earlier also, he has filed a writ petition, this Court has granted the relief which has not been complied with by the appellant and has filed a writ appeal. In writ appeal, the order passed by the learned Single Judge has been confirmed. But he has not paid the amount. Therefore, the second respondent has rightly issued recovery notice dated 22.3.2011 vide Annexure 'C', the notice dated 23.4.2011 vide Annexure 'D' respectively. Instead of complying the notices, appellant has filed a

petition after petition, which is nothing but an abuse of process of Court. Therefore, the learned Single Judge rightly justified in dismissing the said petition.

8. Having regard to the nature and conduct of the appellant in filing petition after petition, we are constrained to draw an inference against the appellant. Taking all these factors into consideration, we declined to interfere with the order passed by the learned Single Judge. Hence, writ appeal filed by the appellant/petitioner is dismissed as devoid of merits with a cost of ₹5,000/-.

9. The said cost shall be deposited by the appellant with the third respondent within a period of three weeks from today. The third respondent is directed to deposit the said amount to District Draught Relief Fund. If the appellant fails to pay the said amount within three weeks from today, the Deputy Commissioner, Belgaum, is directed to recover the said amount in accordance with law.

10. In view of the dismissal of the writ appeal on merits, the prayers sought in IA-I/2012 and IA-2/2012 do not survive for consideration. Hence, they are disposed of as having become infructuous.

Sd/-  
JUDGE

Sd/-  
JUDGE

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