

SUPREME COURT OF INDIA

State of Karnataka

Vs.

S. Narayana Bhatta

C.A.No.2476 of 1979

(Kuldip singh, M.M.Punchhi, N.P.Singh, M.K.Mukherjee and S.Saghir Ahmed JJ.)

10.07.1996

ORDER

1. This appeal is directed against the judgment of the Division Bench of the Karnataka High Court declaring sub-clause (iii) of clause (g) of Section 3 of the Karnataka Contract Carriages (Acquisition) Act, 1976 as unconstitutional. Two omnibuses of the respondent were acquired by a notification dated 16-3-1976 issued under the Act. The respondents challenged the notification by way of a petition under Article 226 before the Karnataka High Court. As stated above, the High Court quashed sub-clause (iii) of clause (g) of section 3 of the Act and as a consequence set aside the notification date 16-3-1976. The High Court directed the state of Karnataka to return to the respondent his two vehicles which were seized under the provision of the Act and to determine and to pay him compensation for the loss caused to him due to deprivation of the use of the two vehicles. This appeal by the State of Karnataka is against the Division Bench judgment of the High Court. This Court while granting leave stayed the operation of the impugned judgment of the High Court.

2. No one appears for the State of Karnataka. Learned counsel for the respondent has taken us through the judgment of the Division Bench of the High court. We see no ground to interfere with the impugned judgment of the High Court. The appeal is dismissed. No costs. The interim stay

granted by this Court having been vacated, it will be open to the respondent to approach the appropriate forum for any relief which is available to him under judgment.