

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 07<sup>TH</sup> DAY OF APRIL, 2025

PRESENT

THE HON'BLE MR. JUSTICE KRISHNA S DIXIT

AND

THE HON'BLE MR. JUSTICE M. NAGAPRASANNA

WRIT PETITION No.10090 OF 2023 (LA-BDA)

**BETWEEN:**

MR. MARTHAND SINGH MAHINDRA  
S/O LATE SURESH MAHINDRA  
AGED ABOUT 60 YEARS  
R/AT AVALAHALLI ESTATE  
YELAHANKA HOBLI  
BENGALURU – 560 064.

... PETITIONER

(BY SRI UDAYA HOLLA, SR. ADVOCATE FOR  
SRI VIVEK HOLLA, ADVOCATE)

**AND:**

- 1 . THE STATE OF KARNATAKA  
REP. BY ITS PRINCIPAL SECRETARY  
URBAN DEVELOPMENT DEPARTMENT  
VIKASA SOUDHA, BENGALURU – 560 001.
- 2 . THE BANGALORE DEVELOPMENT AUTHORITY  
REPRESENTED BY ITS COMMISSIONER  
T.CHOWDAIAH ROAD, KUMARA PARK WEST  
BENGALURU – 560 020.

- 3 . THE ADDITIONAL LAND ACQUISITION OFFICER  
BANGALORE DEVELOPMENT AUTHORITY  
T.CHOWDAIAH ROAD, KUMARA PARK WEST  
BENGALURU – 560 020.
- 4 . THE SECRETARY  
TO HON'BLE MR.JUSTICE A.V.CHANDRASHEKAR  
COMMITTEE, DR.SHIVARAMA KARANATHA LAYOUT  
OFFICE OF THE BANGALORE DEVELOPMENT AUTHORITY  
KUMAR PARK WEST, BENGALURU – 560 020.

... RESPONDENTS

(BY SRI ADITYA VIKRAM, AGA FOR R1;  
SRI SHIVAPRASAD M. SHANTANAGOUDAR, ADVOCATE FOR R2  
TO R4)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT IN THE NATURE OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT, ORDER OR DIRECTION QUASHING THE ORDER/COMMUNICATION DATED 04.03.2023 PASSED BY THE 4TH RESPONDENT COMMITTEE (SMS RECEIVED THROUGH VK-NVGJCC I.E., NAVIGEM DATA) AS PER APPLICATION No. JCC-14-03867 WITH RESPECT TO PROPERTY BEARING Sy. No. 70 MEASURING 13 ACRE 22.86 GUNTAS OF AVALAHALLI VILLAGE, YELAHANKA TALUK, BANGALORE DISTRICT (SCHEDULE A PROPERTY) (ANNEXURE A AND R2).

THIS WRIT PETITION HAVING BEEN HEARD AND RESERVED FOR ORDERS, COMING ON FOR PRONOUNCEMENT THIS DAY, **M. NAGAPRASANNA, J.**, DELIVERED THE FOLLOWING:-

CORAM: HON'BLE MR JUSTICE KRISHNA S DIXIT  
AND  
HON'BLE MR JUSTICE M.NAGAPRASANNA

**CAV ORDER**

(PER: **HON'BLE MR JUSTICE M.NAGAPRASANNA**)

The petitioner is before this Court seeking the following prayers:

- (a) Issue a writ in the nature of certiorari or any other appropriate writ, order or direction quashing the order/communication dated 4-03-2023 passed by the 4<sup>th</sup> respondent Committee (SMS received through VK-NVGJCC i.e., Navigem Data) as per Application No.JCC-14-03867 with respect to property bearing Sy.No.70 measuring 13 acres 22.86 guntas of Avalayhalli Village, Yelahanka Taluk, Bangalore District. (Schedule-A Property) (Annexure-A & R2).
- (b) Issue a writ in the nature of certiorari or any other appropriate writ, order or direction quashing the order/communication dated 12-04-2023 passed by the 4<sup>th</sup> respondent Committee (SMS received through VK-NVGJCC i.e., Navigem Data) as per Application No.JCC 14-3862 with respect to property bearing Sy.No.66 (Part) measuring 3 acres 19 gutnas of Avalahalli Village, Yelahanka Taluk, Bangalore District (Schedule-A property) (Annexure-A1 & R3).
- (c) Issue a writ in the nature of mandamus or any other appropriate writ, order or direction directing the 4<sup>th</sup> respondent Committee to regularize the petition Schedule-A and B properties as they squarely come within the parameters of the orders of the Hon'ble Supreme Court passed in MA 1614-1616/2019 in Civil Appeal No.7661-7663/2018. (Annexure-C & C1).

- (d) Issue a writ in the nature of mandamus or any other appropriate writ, order or direction declaring that the rejection of application bearing No.JCC 14-03867 and Application No.JCC 14-03865 filed by the petitioner herein by the 4<sup>th</sup> respondent Committee is highly arbitrary and contrary to the order dated 3-10-2020 and 5-05-2021 passed by the Hon'ble Supreme Court in M.A. 1614-1616 of 2029 in Civil Appeal No.7661-7663 of 2018 (Annexures C & C1).
- (e) Issue a writ in the nature of certiorari or any other appropriate writ, order or direction quashing the Preliminary Notification dated 30-12-2008 bearing No.BDA/COMMR/DC(LA)SLAO/A5/PR/283/2008-2009 issued by respondent No.2, Bengaluru with respect to property being Sy.No.70 measuring 13 acres 22.86 guntas, Sy.No.69/2 measuring 2 acres 20 guntas, Sy.No.73 measuring 2 acres 33 guntas, Sy.No.72/1 measuring 28 guntas Sy.No.72/4A measuring 1 acre 19 gutnas and Sy.No.72/4B measuring 1 acre 16 guntas of Avalahalli Village, Yelahanka Taluk, Bangalore District (Annexure-B).
- (f) Issue a writ in the nature of certiorari or any other appropriate writ, order or direction quashing the Final Notification dated 30-10-2018 bearing No.UDD/553/MNX/2018, Bengaluru issued by respondent No.2 with respect to property bearing Sy.No.70 measuring 13 acres 22.86 guntas, Sy.No.69/2 measuring 2 acres 20 gutnas, Sy.No.73 measuring 2 acres 33 guntas, Sy.No.72/1 measuring 28 guntas, Sy.No.72/4A measuring 1 acre 19 guntas and Sy.No.72/4B measuring 1 acre 16 guntas of Avalahalli Village, Yelahanka Taluk, Bangalore District (Annexure-B1).
- (g) Pass any other order as this Hon'ble Court deems fit in facts and circumstances of the case, in the interest of justice and equity."

The prayers are in effect seeking quashment of rejection of the claim of the petitioner for dropping his lands from acquisition.

2. Heard Sri Udaya Holla, learned senior counsel appearing for the petitioner, Sri Aditya Vikram, learned Additional Government Advocate appearing for respondent No.1 and Sri Shivaprasad M.Shantanagoudar, learned counsel appearing for respondents 2 to 4.

3. Facts, in brief, germane are as follows:-

The petitioner is said to be the owner of several properties as are found in the prayers afore-quoted. The acquisition of properties of the petitioner would go this way. On 16-07-1974, the father of the petitioner through registered sale deeds purchases several packets of lands totally measuring 91 acres 34 guntas including lands in **Sy.No.70 measuring 13 acres 22.86 guntas; Sy.No.66 (Part) measuring 3 acres 19 guntas; Sy.No.69/2 measuring 20 guntas and Sy.No.73 measuring 2 acres 33 guntas of Avalahalli Village.** After the said purchase, the father of the petitioner obtains a registration certificate of the Broadacres Stud Farm from the Government of India in the Ministry of Fisheries,

Animal Husbandary and Dairying in the year 1982. It is being renewed from time to time and periodic returns are also filed before the Ministry as per the relevant guidelines. In the year 2001, the petitioner obtains a certificate certifying that Broadacres Stud Farm is a registered stud farm under the Stud Book Authority of India. On 19-03-2004, the petitioner under a registered sale deed purchases lands in **Sy.No.72/4B measuring 1 acre 16 guntas in Avalahalli Village. The petitioner again purchases certain lands in Sy.No.72/1 of the same village measuring 1 acre 19 guntas and another packet of 28 guntas.** In all, in the lands mentioned herein, the petitioner is said to be running a stud farm with several building in the land.

4. When things stood thus, the Bangalore Development Authority ('BDA' for short) issues a preliminary notification under Section 17 of the Bangalore Development Authority Act, 1976 seeking to acquire several packets of lands for the formation of Dr. K.Shivaram Karanth Layout. The preliminary notification comes to be issued on 30-12-2008. Objections were called from all the stake holders. The petitioner is said to have filed his objections.

Pending consideration of objections, several developments took place. The Department of Urban Development of the Government of Karnataka communicates to the BDA that 57 acres and 15 guntas of lands in several survey numbers of Avalahalli Village have been deleted from acquisition and necessary steps be taken for conversion of lands. The BDA issues a commencement certificate in respect of subject properties after the change of land use from Park and Open spaces to residential. The property has been used both for residential purposes and breeding and training of horses and the Schedule-B properties are utilized for the purpose of horse grazing, training, riding exercises *inter alia*. The petitioner is said to have been providing employment, accommodation and livelihood to about 40 families. The petitioner then applies for sanction of plan for setting up suitable sheds in the property including residential quarters. All these happen during the period when the acquisition by the BDA for formation of layout was under challenge. The challenge leads to the Apex Court. The Apex Court directs issuance of final notification in terms of its order dated 30<sup>th</sup> October, 2018.

5. Pursuant to the order of the Apex Court, several applications come to be filed before the Apex Court seeking that their properties may be dropped from acquisition. It is then, a three Member Committee headed by Justice A.V. Chandrashekar comes to be formed to consider cases of those persons, whose lands were sought to be dropped from acquisition after thorough procedure of inspection.

6. After constitution of the Committee, the petitioner submits a representation seeking dropping of his lands from acquisition. What comes about is a message, that the application of the petitioner has not been considered by the Apex Court. The communication formed fulcrum of the *lis*.

7. The learned senior counsel Sri Udaya Holla appearing for the petitioner would take this Court through the documents appended to the petition as also the orders passed by the Apex Court from time to time, all of which would unequivocally depict that structures in the lands that have now become subject matter of acquisition should be protected and the lands surrounding the structures as far as possible, if they are not necessary also should

be dropped from acquisition. The learned senior counsel would submit that detailed objections by way of representations were preferred before the Committee. The Committee does not look into any aspect of structures being in place, but opines that there cannot be residential activity in a stud farm. Therefore, the Committee declines to regularize the lands surrounding the stud farm. It is the contention of the learned senior counsel that several approvals are granted place between 2008 and 2018 and are completely ignored by the Committee. The learned senior counsel would, therefore, submit that it is necessary to consider dropping of lands of the petitioner from acquisition as is done in the case of others. He would seek to place reliance upon the judgment rendered by this Bench in the case of **N.C. BASAVARAJU V. STATE OF KARNATAKA**<sup>1</sup>.

8. *Per contra*, the learned counsel Sri Shivaprasad M. Shantanagoudar representing respondents 2 to 4 / BDA would vehemently refute the contentions to contend that the stud farm is no doubt present but the construction is at intermittent distances

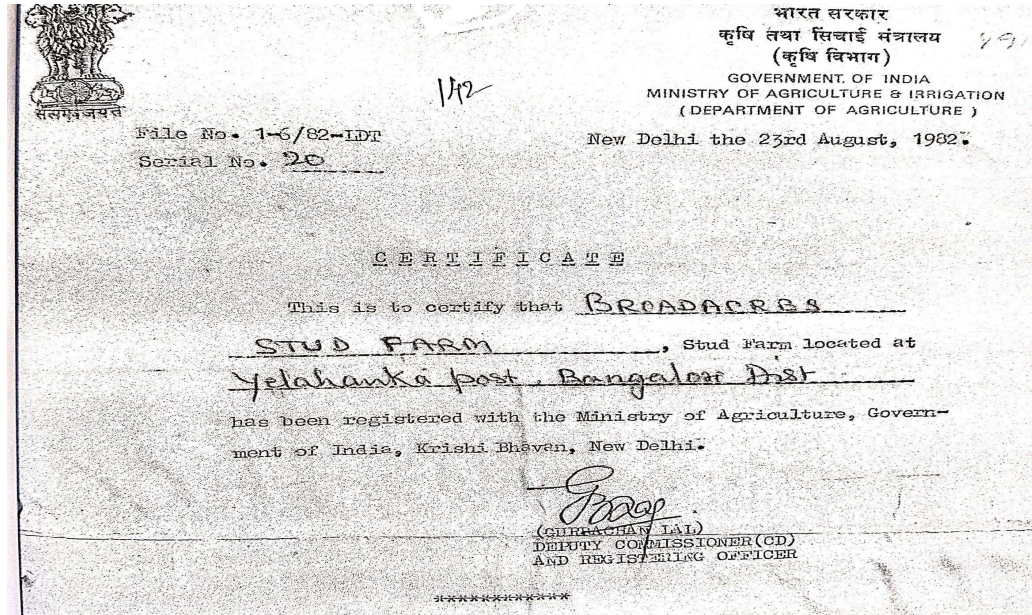
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<sup>1</sup> Writ Appeal No.1412 of 2021 decided on 13<sup>th</sup> December, 2024

and not a contiguous construction for the entire thing to be dropped. It is his submission that the Committee has looked into everything, conducted inspection and has submitted its report before the Apex Court. Therefore, the petitioner has no merit in the contention that his lands should be dropped.

9. We have given our anxious consideration to the submissions made by the respective learned counsel and have perused the material on record.

10. The afore-narrated facts are not in dispute. Father of the petitioner purchases huge packets of lands in several survey numbers of Avalahalli Village, is a matter of record. The father of the petitioner then takes a registration certificate to run Broadacres Stud Farm. The registration certificate is issued on 23<sup>rd</sup> August 1982 from the Government of India, Ministry of Agriculture and irrigation, which is as follows:



and the latest renewal is issued on 03.06.2022, it reads as follows:

**"F.No.484-1/2016-Equine (Reg.)**

Registration Serial Number: 274

Dated: 03/06/2022

### **REGISTRATION CERTIFICATE**

This is to certify that M/s Broadacres Stud Farm, located at Off Doddaballapur Road, Behind CRPF Camp, Avalahalli Estate, Yelahanka post, Bangalore- 560064, Karnataka has been registered with the Government of India, Ministry of Fisheries, Animal Husbandry & Dairying, Department of Animal Husbandry & Dairying, Krishi Bhawan, New Delhi for a period of 05 years (five years) w.e.f. **03/06/2022 to 02/06/2027** unless revoked earlier.

2. Earlier Registration Certificate No. 484-1/2016/Equine (Reg.) dated 03-04-2017, Serial Number: 238 issued by this Department hereby stands cancelled with immediate effect.

3. M/s Broadacres Stud Farm shall submit periodic returns to this Department regularly and comply with the instructions issued by this Department from time to time.

4. It is hereby informed that non-compliance of the above-mentioned conditions/directions or non-submission of periodic returns would entail Cancellation of Registration and withdrawal of Registration Certificate without any prior notice.

Sd/-  
(Dr.H.R.Khanna)  
Joint Commissioner (NLM) & Registrar, Equine Stud Farm  
Registration  
#011-21401458

To,  
M/s Broadacres Stud Farm,  
Off Doddaballapur Road, Behind CRPF Camp,  
Avalahalli Estate, Yelahanka post,  
Bangalore-560064, Karnataka  
Ph: 080-285622544  
E-mail address: [broadacres.studfarm@gmail.com](mailto:broadacres.studfarm@gmail.com)"

The petitioner acquires certain other packets of lands after him coming into picture on 19-03-2004 and 30-09-2004. On 30-12-2008, a preliminary notification comes to be issued by the BDA seeking to acquire certain lands for the purpose of formation of Dr. K.Shivaram Karanth Layout. After the BDA issues the preliminary notification, a communication comes about from the

BDA dropping certain lands from acquisition in Avalahalli Village.

The communication is as follows:

"ಕರ್ನಾಟಕ ಸರ್ಕಾರ

ಸಂಖ್ಯೆ: ನಇ/332/ಬೆಂಆಸೇ/2008

ಕರ್ನಾಟಕ ಸರ್ಕಾರದ ಸಚಿವಾಲಯ,

ವಿರಾಸ ಸೌಧ,

ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 13/02/2009.

ಇವರಿಂದ:

ಸರ್ಕಾರದ ಪ್ರಧಾನ ಕಾರ್ಯದರ್ಶಿ,  
ನಗರಾಭಿವೃದ್ಧಿ ಇಲಾಖೆ,  
ವಿರಾಸ ಸೌಧ,  
ಬೆಂಗಳೂರು.

ಇವರಿಗೆ:

ಆಯುಕ್ತರು,  
ಬೆಂಗಳೂರು ಅಭಿವೃದ್ಧಿ ಪ್ರಾಧಿಕಾರ,

ಮಾನ್ಯರೇ,

ವಿಷಯ: ಬೆಂಗಳೂರು ಉತ್ತರ ತಾಲ್ಲೂಕು, ಯಲಹಂಕ ಹೋಬಳಿ, ಅವಲಹಳ್ಳಿ, ಗ್ರಾಮದ ಸರ್ವೆ ನಂ:66 ರಲ್ಲಿನ 19 ಎಕರೆ 06, 69/1ರಲ್ಲಿನ 2 ಎಕರೆ 09, ಗುಂಟೆ, 69/2 ರಲ್ಲಿನ 2 ಎಕರೆ 30 ಗುಂಟೆ 70 ರಲ್ಲಿನ 18 ಎಕರೆ 10 ಗುಂಟೆ, 71 ರಲ್ಲಿನ 6 ಎಕರೆ 21 ಗುಂಟೆ, 73 ರಲ್ಲಿನ 2 ಎಕರೆ 15 ಗುಂಟೆ ಮತ್ತು ರಾಮಗೊಂಡನಹಳ್ಳಿ ಗ್ರಾಮದ ಸರ್ವೆ ನಂ.18(ಪಿ) ರಲ್ಲಿನ 6 ಎಕರೆ 05 ಗುಂಟೆ ಒಟ್ಟು 57 ಎಕರೆ 16 ಗುಂಟೆ ಜಮೀನನ್ನು ಪ್ರಾಥಮಿಕ ಅಧಿಸೂಚನೆಯಿಂದ ಕೈಬಿಡುವ ಬಗ್ಗೆ.

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ಮೇಲಿನ ವಿಷಯಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ, ಶ್ರೀ ಮಾರ್ಥಾಂಡ ಸಿಂಗ್ ಮಹೀಂದ್ರ ಇವರು - ಮಾನ್ಯ ಮುಖ್ಯ ಮಂತ್ರಿಯವರಿಗೆ ಸಲ್ಲಿಸಿರುವ ಮನವಿಯ ಪ್ರತಿಗಳನ್ನು ಇದರೊಂದಿಗೆ ಲಗತ್ತಿಸಿದೆ. ವಿಷಯ 'ಸ್ವಯಂವೇದ್ಯವಾಗಿದೆ. ಬೆಂಗಳೂರು ಉತ್ತರ ತಾಲ್ಲೂಕು, ಯಲಹಂಕ ಹೋಬಳಿ, ಅವಲಹಳ್ಳಿ ಗ್ರಾಮದ ಸರ್ವೆ ನಂ.66 ರಲ್ಲಿನ 19. ಎಕರೆ 06 ಗುಂಟೆ, 69/1ರಲ್ಲಿನ 2 ಎಕರೆ 09 ಗುಂಟೆ 69/2 ರಲ್ಲಿನ 2 ಎಕರೆ 30 ಗುಂಟೆ, 70 ರಲ್ಲಿನ 18 ಎಕರೆ 10ನ ಗುಂಟೆ, 71 ರಲ್ಲಿನ 6 ಎಕರೆ 21 ಗುಂಟೆ, 73 ರಲ್ಲಿನ 2 ಎಕರೆ 15 ಗುಂಟೆ ಮತ್ತು ರಾಮಗೊಂಡನಹಳ್ಳಿ ಗ್ರಾಮದ ಸರ್ವೆ ನಂ.18(ಪಿ) ರಲ್ಲಿನ 6 ಎಕರೆ

05 ಗುಂಟ ಒಟ್ಟು 57 ಎಕರೆ 16 ಗುಂಟೆ ಜಮೀನುಗಳನ್ನು ಪ್ರಾಥಮಿಕ ಅಧಿಸೂಚನೆಯಿಂದ ಕೈಬಿಡಲು ಸರ್ಕಾರದ ಅನುಮೋದನೆ ನೀಡಲಾಗಿದೆ ಎಂದು ತಿಳಿಸಲು ನಾನು ನಿರ್ದೇಶಿತನಾಗಿದ್ದೇನೆ.

ಮುಂದುವರೆದು, ಪ್ರಶ್ನಿತ ಜಮೀನುಗಳ ಭೂ ಬದಲಾವಣೆ ಬಗ್ಗೆ ನಿಯಮಾನುಸಾರ ಪ್ರತ್ಯೇಕವಾಗಿ ಪ್ರಸ್ತಾವನೆ ಮಂಡಿಸಲು ಕೋರಲಾಗಿದೆ.

ನಿಮ್ಮ ನಂಬುಗೆಯ,

ಸಹಿ/-

13.02.2009

(ಎಂ.ಎಸ್. ಪ್ರೇಮಚಂದ್ರ)

ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ

ನಗರಾಭಿವೃದ್ಧಿ ಇಲಾಖೆ.”

(Emphasis added)

Most of the lands of the petitioner were included in the said communication. After dropping of lands from acquisition, the BDA issues a commencement certificate in favour of the petitioner. The commencement certificate is issued on 09-04-2010, by the BDA for construction of building. It reads as follows:

“ಸಂಖ್ಯೆ:

ಬೆಂಗಳೂರು:ನಯೋಸ:ಸಿಎಲ್‌ಯು:276/09-10/112/10-11

ದಿನಾಂಕ:

9/4/10

No.:

Date:

ಪ್ರಾರಂಭಿಕ ದೃಢೀಕರಣ ಪತ್ರ

ವಿಷಯ: ಬೆಂಗಳೂರು ಉತ್ತರ ತಾಲ್ಲೂಕು, ಯಲಹಂಕ ಹೋಬಳಿ, ಆವಲಹಳ್ಳಿ ಗ್ರಾಮದ ಸರ್ವೆ ನಂ. 66(p), 69/1, 69/2, 70, 71, ಮತ್ತು 73 ರಲ್ಲಿನ 51 ಎಕರೆ 11 ಗುಂಟೆ (207500.84 ಚ.ಮೀ) ವಿಸ್ತೀರ್ಣದ ಪ್ರದೇಶವನ್ನು

ಉದ್ಯಾನವನ ವಲಯದಿಂದ ವಸತಿ ಉಪಯೋಗಕ್ಕೆ ಭೂ ಉಪಯೋಗ ಬದಲಾವಣೆಯನ್ನು ಶ್ರೀ ಮಾತಾಂಡ್‌ಸಿಂಗ್ ಮಹೀಂದ್ರ ರವರ ಪರವಾಗಿ ಮಾಡುವ ಬಗ್ಗೆ.

ಉಲ್ಲೇಖ: 1. ದಿನಾಂಕ: 24.03.2009 ರ ಅರ್ಜಿದಾರರ ಪತ್ರ.

2. ಬೆಂಚ್‌ಪ್ರಾಡ್ ಸಮಿತಿ ಸಭೆಯ ರರಾವು ಸಂಖ್ಯೆ 159/2009, ದಿನಾಂಕ 09.09.2009 ರ ನಿರ್ಣಯ.

3. ಈ ಕಛೇರಿಯ ಪತ್ರ ಸಂಖ್ಯೆ ಬೆಂಚ್‌ಪ್ರಾನಯೋಸಿಸಿಎಲ್‌ಯು: 276/08-09/2122/09-10, ದಿನಾಂಕ: 6.10.2009.

4. ಸರ್ಕಾರದ ಆದೇಶ ಸಂಖ್ಯೆ ನಲಇ 254 ಬೆಂಚ್‌ಸೇ 2009, ಬೆಂಗಳೂರು, ದಿನಾಂಕ 08.02.2010.

5. ಈ ಕಛೇರಿಯ ಪತ್ರದ ಸಂಖ್ಯೆ ಬೆಂಚ್‌ಪ್ರಾನಯೋಸಿಸಿಎಲ್‌ಯು:276/08-09/4152/2009-10 ದಿನಾಂಕ: 26.2.2010 ರ ಮೇರೆಗೆ ಅರ್ಜಿದಾರರು ದಿನಾಂಕ 12.3.2010 ರಲ್ಲಿ, ಕೆನರಾ ಬ್ಯಾಂಕ್ ಚಲನ್ ನಂ.18209 ರ ಮೂಲಕ ಸಂದಾಯಿಸಿರುವ ಉತ್ತಮತೆ ಶುಲ್ಕ ರೂ. 41,50,017/-, ಪರಿಶೀಲನಾ ಶುಲ್ಕ ರೂ.1,03,750/-, ಪೂರ್ಣಾಂಕಕ್ಕೆ ರೂ. 33/- ಒಟ್ಟು ರೂ. 42,53,800/-ಅನ್ನು ಸಂದಾಯಿಸಿರುವುದನ್ನು ಲೆಕ್ಕಾಧಿಕಾರಿಗಳು ದಿನಾಂಕ 24.3.2010 ರಂದು ಪರಿಶೀಲಿಸಿರುತ್ತಾರೆ.

ಅರ್ಜಿದಾರರ ಪ್ರಸ್ತಾವನೆಯನ್ನು ಕರ್ನಾಟಕ ನಗರ ಮತ್ತು ಗ್ರಾಮ ಯೋಜನಾ ಕಾಯ್ದೆ 1961 ರ ಸೆಕ್ಷನ್ 14(ಎ) ರಡಿ ಪರಿಶೀಲಿಸಿ, ವಿಷಯವನ್ನು ದಿನಾಂಕ 09.09.2009 ರಂದು ಜರುಗಿದ ಬೆಂಗಳೂರು ಅಭಿವೃದ್ಧಿ ಪ್ರಾಧಿಕಾರದ ಸಮಿತಿ ಸಭೆಯ ಮುಂದೆ ಮಂಡಿಸಲಾಗಿತ್ತು. ಸಮಿತಿ ಸಭೆಯು ವಿಷಯ ಸಂಖ್ಯೆ 159/2009 ರಡಿ ವಿಷಯವನ್ನು ಚರ್ಚಿಸಿ, ಬೆಂಗಳೂರು ಉತ್ತರ ತಾಲ್ಲೂಕು, ಯಲಹಂಕ ಹೋಬಳಿ, ಅವಲಹಳ್ಳಿ ಗ್ರಾಮದ ಸರ್ವೆ ನಂ. 66/(p), 69/1, 69/2, 70, 71 ಮತ್ತು 73 ರಲ್ಲಿನ 51 ಎಕರೆ 11. ಗುಂಟೆ (207500.84 ಚ.ಮೀ) ವಿಸ್ತೀರ್ಣದ ಪ್ರದೇಶವನ್ನು ಉದ್ಯಾನವನ ವಲಯದಿಂದ ವಸತಿ ಉಪಯೋಗಕ್ಕೆ ಭೂ ಉಪಯೋಗ ಬದಲಾವಣೆ ಮಾಡಲು ಒಪ್ಪಿ ಪ್ರಸ್ತಾವನೆಯನ್ನು ಸರ್ಕಾರದ ಅನುಮೋದನೆಗೆ ಸಲ್ಲಿಸುವಂತೆ ತೀರ್ಮಾನಿಸಿರುತ್ತದೆ. ಅದರಂತೆ ಪ್ರಸ್ತಾವನೆಯನ್ನು ಉಲ್ಲೇಖ (3) ರಂತೆ ಸರ್ಕಾರಕ್ಕೆ ಸಲ್ಲಿಸಲಾಗಿ ಸರ್ಕಾರವು ಆದೇಶ ಸಂಖ್ಯೆ ನಲಇ 254 ಬೆಂಚ್‌ಸೇ 2009, ದಿನಾಂಕ 08.02.2010 ರಂದು ಮೇಲ್ಕಂಡ ಪ್ರದೇಶವನ್ನು ಉದ್ಯಾನವನ ವಲಯದಿಂದ ವಸತಿ ಉಪಯೋಗಕ್ಕಾಗಿ ಭೂ-ಬದಲಾವಣೆಗೆ ಅನುಮತಿ ನೀಡಿರುತ್ತದೆ.

ಆದ್ದರಿಂದ ಈ ಬಗ್ಗೆ ಉಲ್ಲೇಖ (5) ರಲ್ಲಿ ತಿಳಿಸಿರುವ ಶುಲ್ಕಗಳನ್ನು ಸಂದಾಯಿಸಿಕೊಂಡು ಕರ್ನಾಟಕ ನಗರ ಮತ್ತು ಗ್ರಾಮ ಯೋಜನಾ ಕಾಯ್ದೆ 1961 ರ ಸೆಕ್ಷನ್ 15(1) ರಂತೆ, ಬೆಂಗಳೂರು

ಉತ್ತರ ತಾಲ್ಲೂಕು ಯಲಹಂಕ ಹೋಬಳಿ ಅವಲಹಳ್ಳಿ ಸರ್ವೆ ನಂ. 66/(p), 69/1, 69/2, 70, 71, ಮತ್ತು 73 ರಲ್ಲಿನ 51 ಎಕರೆ 11 ಗಂಟೆ (207500.84. ಚ.ಮೀ) ವಿಸ್ತೀರ್ಣದ ಪ್ರದೇಶವನ್ನು ಉದ್ಯಾನವನ ವಲಯದಿಂದ ವಸತಿ ಉಪಯೋಗಕ್ಕೆ ಭೂ ಉಪಯೋಗ ಬದಲಾವಣೆ ಮಾಡಲು ಈ ಕೆಳಕಂಡ ನಿಬಂಧನೆಗಳಿಗೊಳಪಟ್ಟು, ಅನುಮತ ನೀಡಲಾಗಿದೆ.

1. ಪ್ರಸ್ತಾವಿತ ಪ್ರದೇಶದ ವಸತಿ ಉಪಯೋಗದ ಕಟ್ಟಡ ನಕ್ಷೆಯನ್ನು ಬೃಹತ್ ಬೆಂಗಳೂರು ಮಹಾನಗರ ಪಾಲಿಕೆಯಿಂದ ನಿಯಮಾವಳಿ ಅನುಸಾರ ಮಂಜೂರು ಮಾಡಿಸಿಕೊಳ್ಳುವುದು.
2. ಪ್ರಸ್ತಾವಿತ ಪ್ರದೇಶದ ಸಂಬಂಧವಾಗಿ ತಪ್ಪು ಮಾಹಿತಿ ದಾಖಲಾತಿಗಳನ್ನು ನೀಡಿದಲ್ಲಿ ಅರ್ಜಿದಾರರೇ ಹೊಣೆಗಾರರಾಗುವುದಲ್ಲದೇ ಭೂ ಉಪಯೋಗದ ಆದೇಶ ರದ್ದಾಗುತ್ತದೆಂದು ತಿಳಿಯುವುದು.
3. ಅಗತ್ಯಕ್ಕನುಗುಣವಾಗಿ ಅರಣ್ಯ ಮತ್ತು ಪರಿಸರ ಇಲಾಖೆ, ಭಾರತ ಸರ್ಕಾರ ರವರ ಅಧಿಸೂಚನೆ ಸಂಖ್ಯೆ S.O. No. 801(E), ದಿನಾಂಕ 07.07.2004 ರಂತೆ ಪ್ರಸ್ತಾವನೆಯ ಬಗ್ಗೆ ನಿರಾಕ್ಷೇಪಣಾ ಪತ್ರ ಪಡೆಯತಕ್ಕದ್ದು,
4. ಕರ್ನಾಟಕ ರಾಜ್ಯ ಮಾಲಿನ್ಯ ನಿಯಂತ್ರಣ ಮಂಡಳಿಯ ಪತ್ರ ದಿನಾಂಕ 09/17.08.2004 ರಲ್ಲಿನ ಷರತ್ತುಗಳನ್ನು ಪಾಲಿಸತಕ್ಕದ್ದು ಹಾಗೂ ಮಳೆ ನೀರಿನ ಸಂಗ್ರಹಣೆಗೆ ವ್ಯವಸ್ಥೆ ಕಲ್ಪಿಸತಕ್ಕದ್ದು.
5. ಬೆಂಗಳೂರು ಅಭಿವೃದ್ಧಿ ಪ್ರಾಧಿಕಾರ: ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರ ವಿಧಿಸುವ ಇನ್ನಿತರ ನಿಬಂಧನೆಗಳನ್ನು ಪಾಲಿಸತಕ್ಕದ್ದು.

(ಕರಡು ಪತ್ರ ಆಯುಕ್ತರವರಿಂದ  
ಅನುಮೋದಿಸಲ್ಪಟ್ಟಿದೆ)

ಸಹಿ/-

09/04/10

ಆಯುಕ್ತರ ಪರವಾಗಿ,  
ಬೆಂಅಪ್ರಾ, ಬೆಂಗಳೂರು.

ಇವರಿಗೆ

ಶ್ರೀ ಮಾತಾಂಟ್‌ಸಿಂಗ್ ಮಹೀಂದ್ರ ರವರು,  
ಅವಲಹಳ್ಳಿ ಎಸ್ಟೇಟ್,

ಆವಲಹಳ್ಳಿ ಗ್ರಾಮ, ಯಲಹಂಕ ಹೋಬಳಿ,  
ಬೆಂಗಳೂರು.”

(Emphasis added)

After this, the Deputy Commissioner issues an order converting lands from agriculture to residential purposes. The order of conversion reads as follows:

“ಸರ್ನಾಟಕ ಸರ್ಕಾರ

ನಂ: ಎಎಲ್‌ಎನ್ (ಎನ್.ವೈ) ಎಸ್‌ಆರ್ 57/2010-11 ಜಿಲ್ಲಾಧಿಕಾರಿಗಳ ಕಾರ್ಯಾಲಯ,  
ಬೆಂಗಳೂರು ಜಿಲ್ಲೆ  
ಬೆಂಗಳೂರು, ದಿನಾಂಕ:18.10.2010.

ಅಧಿಕೃತ ಜ್ಞಾಪನ

ವಿಷಯ: ಬೆಂಗಳೂರು ಜಿಲ್ಲೆ, ಬೆಂಗಳೂರು ಉತ್ತರ [ಅಪರ] ತಾಲ್ಲೂಕು, ಯಲಹಂಕ ಹೋಬಳಿ, ಆವಲಹಳ್ಳಿ ಗ್ರಾಮದ ಸರ್ವೆ ನಂ : 66ರಲ್ಲಿ 16-28 ಎಕರೆ / ಗುಂಟೆ, ಸರ್ವೆ ನಂ : 69/1ರಲ್ಲಿ 2-09 ಎಕರೆ/ಗುಂಟೆ & -06 ಗುಂಟೆ ಎ ಖರಾಬು ಸೇರಿ 2-15 ಎಕರೆ / ಗುಂಟೆ, ಸರ್ವೆ ನಂ : 69/2ರಲ್ಲಿ 2-24 ಎಕರೆ / ಗುಂಟೆ & 0-06 ಗುಂಟೆ ಎ ಖರಾಬು ಸೇರಿ : 2-32 ಎಕರೆ / ಗುಂಟೆ: ಸರ್ವೆ ನಂ:70 ರಲ್ಲಿ 18-10 ಎಕರೆ / ಗುಂಟೆ, ಸರ್ವೆ ನಂ : 71ರಲ್ಲಿ 6-21 ಎಕರೆ / ಗುಂಟೆ, ಸರ್ವೆ ನಂ : 73ರಲ್ಲಿ 2-15 ಎಕರೆ / ಗುಂಟೆ ಒಟ್ಟು 48-39 ಎಕರೆ / ಗುಂಟೆ,. ವಿಸ್ತೀರ್ಣದ ವ್ಯವಸಾಯದ ಜಮೀನನ್ನು ವ್ಯವಸಾಯೇತರ, ವಾಸದ ಉದ್ದೇಶಕ್ಕೆ ಭೂ ಪರಿವರ್ತನೆ, ಕೋರಿ ಶ್ರೀ ಮಾತಾಂಡ್ ಸಿಂಗ್ ಮಹೇಂದ್ರ ಅವಲಹಳ್ಳಿ ಎಸ್‌ಟೇಟ್, ಆವಲಹಳ್ಳಿ ಗ್ರಾಮ, ಯಲಹಂಕ ಹೋಬಳಿ, ಬೆಂಗಳೂರು ರವರು ಸಲ್ಲಿಸಿರುವ ಅರ್ಜಿ ದಿನಾಂಕ : 13.7.2010.

ಉಲ್ಲೇಖ : 1. ಸರ್ಕಾರದ ಸುತ್ತೋಲೆ ಸಂಖ್ಯೆ : ಆರ್‌ಡಿ 7 ಎಲ್‌ಜಿಪಿ 1995, ದಿನಾಂಕ : 7.6.1999.

2. ಸರ್ಕಾರದ ಸುತ್ತೋಲೆ ಸಂಖ್ಯೆ : ಆರ್‌ಡಿ 56 ಎಲ್‌ಜಿಪಿ 2008, ದಿನಾಂಕ : - 10.9.2008 & 24.9.2008. :

3. ತಹಶೀಲ್ದಾರ್, ಬೆಂಗಳೂರು ಉತ್ತರ [ಅಪರ] ತಾಲ್ಲೂಕು, ಬೆಂಗಳೂರುರವರ ವರದಿ ನಂ : ಎಎಲ್‌ಎನ್ ಎಸ್‌ಆರ್-21/2010-11, ದಿನಾಂಕ- : 23.7.2010..

4. ಭೂ ಪರಿವರ್ತನಾ ಶುಲ್ಕ ರೂ. 26,66,689-00 ಎ ಖರಾಬು ಕಿಮ್ಮತ್ತು ರೂ. 18,00,000-00 ಹಾಗೂ ಪೋಡಿ' ಶುಲ್ಕ ರೂ. 330-00 ಸೇರಿ ಒಟ್ಟು ರೂ. 44,67,019-00 ಗಳನ್ನು ಚಲನ್ ಸಂಖ್ಯೆ : 7124; ದಿನಾಂಕ : 25.9.2010 ರಂತೆ ಖಜಾನೆಗೆ ಅರ್ಜಿದಾರರು ಜಮಾ ಮಾಡಿರುತ್ತಾರೆ.

5. ಆಯುಕ್ತರು, ಬೆಂಗಳೂರು ಅಭಿವೃದ್ಧಿ ಪ್ರಾಧಿಕಾರ, ಬೆಂಗಳೂರು ಇವರ ಪತ್ರ ಸಂಖ್ಯೆ : ಬೆಂಅಪ್ರಾ ನಯೋನ ಸಿಎಲ್ಯು 276/2009-10/12/2010-11, ದಿನಾಂಕ: 9.4.2010.:

6. ಆಯುಕ್ತರು, ಬೆಂಗಳೂರು ಅಭಿವೃದ್ಧಿ ಪ್ರಾಧಿಕಾರ, ಬೆಂಗಳೂರು ಇವರ ಪತ್ರ. ಸಂಖ್ಯೆ : ' ಬೆಂಅಪ್ರಾ ನಯೋನ 2052/1864/2008-09, ದಿನಾಂಕ. : 20.10.2008.

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ಕರ್ನಾಟಕ ಭೂ ಕಂದಾಯ ಅಧಿನಿಯಮ 1964 ರ ಕಲಂ 95[2], 95[4] ಮತ್ತು 95[7] ರ ಷರತ್ತುಗಳು, ಹಾಗೂ ಈ ಕೆಳಕಂಡ ಷರತ್ತುಗಳಿಗೊಳಪಡಿಸಿ ಕರ್ನಾಟಕ ಭೂ ಕಂದಾಯ (ತಿದ್ದುಪಡಿ) ನಿಯಮಗಳು 1994ರ ನಿಯಮ 107[1]. ರಂತೆ ಎಕರೆ ಒಂದಕ್ಕೆ ರೂ 54,450-00 [ಐವತ್ತು ನಾಲ್ಕು ಸಾವಿರದ, ನಾಲ್ಕು ನೂರ ಐವತ್ತು ರೂ. ಗಳು ಮಾತ್ರ] ಗಳಂತೆ ಅರ್ಜಿದಾರರು ಉಲ್ಲೇಖ [4] ರಲ್ಲಿ ನಮೂದಿಸಿರುವಂತೆ ಹಣವನ್ನು ಜಮಾ ಮಾಡಿ ಚಲನ್‌ನ್ನು ಹಾಜರು ಪಡಿಸಿರುವ ಮೇರೆಗೆ ಅರ್ಜಿದಾರರಾದ ಶ್ರೀ ಮಾತಾಂಡ್ ಸಿಂಗ್ ಮಹೇಂದ್ರ ಅವಲಹಳ್ಳಿ ಎಸ್ಕೇಟ್, ಅವಲಹಳ್ಳಿ ಗ್ರಾಮ, ಯಲಹಂಕ ಹೋಬಳಿ, ಬೆಂಗಳೂರು ರವರ ಅರ್ಜಿಯನ್ನು ಪರಿಗಣಿಸಿ ಬೆಂಗಳೂರು ಉತ್ತರ [ಅಪರ] ತಾಲ್ಲೂಕು, ಯಲಹಂಕ ಹೋಬಳಿ, ಅವಲಹಳ್ಳಿ ಗ್ರಾಮದ ಸರ್ವೆ ನಂ : 66 ರಲ್ಲಿ 16-28 ಎಕರೆ / ಗುಂಟೆ, ಸರ್ವೆ ನಂ : 69/1ರಲ್ಲಿ 2-09 ಎಕರೆ /ಗುಂಟೆ & 0-06 ಗುಂಟೆ ಎ ಖರಾಬು ಸೇರಿ 2-15 ಎಕರೆ / ಗುಂಟೆ, ಸರ್ವೆ ನಂ : 69/2ರಲ್ಲಿ 2-24 ಎಕರೆ / ಗುಂಟೆ & 0-06 ಗುಂಟೆ ಎ ಖರಾಬು ಸೇರಿ 2-32 2 / ಗುಂಟೆ ಸರ್ವೆ ನಂ : 70ರಲ್ಲಿ ಎಕರೆ/ಗುಂಟೆ, ಸರ್ವೆ ನಂ: 71ರಲ್ಲಿ 6-21 ಎಕರೆ, ಗುಂಟೆ, ಸರ್ವೆ ನಂ : 73ರಲ್ಲಿ 2-15 ಎಕರೆ / ಗುಂಟೆ ಒಟ್ಟು 48-39 ಎಕರೆ / ಗುಂಟೆ, ವಿಸ್ತೀರ್ಣದ ವ್ಯವಸಾಯದ ಜಮೀನನ್ನು ವ್ಯವಸಾಯೇತರ ವಾಸದ ಉದ್ದೇಶಕ್ಕೆ ಬಳಸಲು' ಈ ಕೆಳಕಂಡ ಷರತ್ತುಗಳಿಗೆ ಬಳಪಟ್ಟು ಭೂ ಪರಿವರ್ತನಾ ಆದೇಶವನ್ನು ಹೊರಡಿಸಲಾಗಿದೆ.

1. ಈ ಭೂಮಿಯು ಯಾವ ಉದ್ದೇಶಕ್ಕಾಗಿ ಪರಿವರ್ತನೆಯಾಗಿದೆಯೋ ಆ ಉದ್ದೇಶಕ್ಕೆ ಉಪಯೋಗಿಸಿಕೊಳ್ಳಲು ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರಿಯಿಂದ ಅಂದರೆ, ಬೆಂಗಳೂರು ಅಭಿವೃದ್ಧಿ ಪ್ರಾಧಿಕಾರ : ಬಿ.ಎಂ.ಆರ್.ಡಿ.ಎ. [ಸ್ಥಳೀಯ ಯೋಜನಾ ಪ್ರಾಧಿಕಾರ] : ಬಿ.ಎಂ.ಐ.ಸಿ.ಎ.ಪಿ.ಎ : ಮಾಲಿನ್ಯ ನಿಯಂತ್ರಣಾ ಮಂಡಳಿ ಮಂಜೂರಾತಿಯನ್ನು ಪಡೆಯದ ಹೊರತು ಈ ಆದೇಶವು ಅನುಭವದಾರನಿಗೆ, ಯಾವುದೇ ಹಕ್ಕನ್ನು ನೀಡುವುದಿಲ್ಲ.

2. ಈ ಪರಿವರ್ತಿತ ಜಮೀನನ್ನು ವಾಸದ ಉದ್ದೇಶಕ್ಕೆ ಮಾತ್ರ ಉಪಯೋಗಿಸಿಕೊಳ್ಳತಕ್ಕದ್ದು. ಈ ಜಮೀನನ್ನು ಪೂರ್ವಾನುಮತಿ ಇಲ್ಲದೆ ಬೇರೆ ಉದ್ದೇಶಕ್ಕಾಗಿ ಉಪಯೋಗಿಸಿಕೊಳ್ಳಬಾರದು.
3. ಈ ಜಮೀನಿನಲ್ಲಿ ಉದ್ದೇಶಿಸಿರುವ ಬಡಾವಣೆ ನಕ್ಷೆ ಹಾಗೂ ವರವಾನಗಿ ಇತ್ಯಾದಿಗಳನ್ನು ಆಯುಕ್ತರು, : ಬೆಂಗಳೂರು ಅಭಿವೃದ್ಧಿ ಪ್ರಾಧಿಕಾರ : ಬಿ.ಎಂ.ಆರ್.ಡಿ.ಎ. [ಸ್ಥಳೀಯ ಯೋಜನಾ ಪ್ರಾಧಿಕಾರ] : ಬಿ.ಎಂ.ಐ.ಸಿ.ಎ.ಪಿ.ಎ : ಪ್ರಾಧಿಕಾರದಿಂದ ಅನುಮೋದಿಸಿಕೊಂಡು ಆ ನಂತರ ಅನುಮೋದನೆಗೊಂಡ ನಕ್ಷೆಗೆ ಅನುಗುಣವಾಗಿ ಕಟ್ಟಡವನ್ನು ಕಟ್ಟುವುದು. ಸದರಿ ಜಮೀನಿನಲ್ಲಿ ಲೇಔಟ್ ಕಟ್ಟಡ ನಕ್ಷೆಗೆ ಅನುಮೋದನೆ ಪಡೆಯದೆ ಪರಭಾರೆ ಮಾಡಕೂಡದು.
4. ಇತರೆ ಅವಶ್ಯವಾದ ರಸ್ತೆ ಜಾಗ, ರಸ್ತೆ ಮಾರ್ಜಿನ್, ಖಾಲಿ ಜಾಗ ಇತ್ಯಾದಿಗಳನ್ನು ಬೆಂಗಳೂರು ಅಭಿವೃದ್ಧಿ ಪ್ರಾಧಿಕಾರ : ಬಿ.ಎಂ.ಆರ್.ಡಿ.ಎ. [ಸ್ಥಳೀಯ ಯೋಜನಾ ಪ್ರಾಧಿಕಾರ] : ಬಿ.ಎಂ.ಐ.ಸಿ.ಎ.ಪಿ.ಎ : ಮಾಲಿನ್ಯ ನಿಯಂತ್ರಣಾ ಮಂಡಳಿ ಪ್ರಾಧಿಕಾರದಿಂದ ಅನುಮೋದಿಸಿದ ಬಡಾವಣೆ ನಕ್ಷೆ ಪ್ರಕಾರ ಹಾಗೂ ನಿರ್ದಿಷ್ಟಪಡಿಸಿದ ' ನಿಯಮಗಳ ರೀತ್ಯ ಸದರಿ ಉದ್ದೇಶಕ್ಕೆ' ಕಾಯ್ದಿರಿಸತಕ್ಕದ್ದು. -
5. ಸಂಬಂಧಪಟ್ಟ ಪ್ರಾಧಿಕಾರದಿಂದ ಅನುಮೋದಿತ ನಕ್ಷೆ ಪಡೆಯದೇ ನಿವೇಶನಗಳನ್ನು / ಕಟ್ಟಡಗಳನ್ನು ಸಂಬಂಧಪಟ್ಟ ನೋಂದಣಾಧಿಕಾರಿಗಳಿಂದ / ಉಪ ನೋಂದಣಾಧಿಕಾರಿಗಳಿಂದ ನೋಂದಾವಣೆ ಮಾಡತಕ್ಕದ್ದಲ್ಲ. ಖಾತೆದಾರರು ಒಂದು ವೇಳೆ ಭೂ ಪರಿವರ್ತನೆ ಮಂಜೂರು ಮಾಡಿರುವ ಜಮೀನಿನ ಪೂರ್ಣ ವಿಸ್ತೀರ್ಣವನ್ನು ಮಾರಾಟ ಮಾಡಲು ಉದ್ದೇಶಿಸಿದಲ್ಲಿ ಈ ಆದೇಶ ಅಡ್ಡಿ ಬರುವುದಿಲ್ಲ.
6. ಸಾರ್ವಜನಿಕ ಹಿತದೃಷ್ಟಿಯಿಂದ ಸದರಿ ಜಮೀನಿನಲ್ಲಿ ನಿವೇಶನದಾರರಿಗೆ ನಾಗರಿಕ ಸೌಲಭ್ಯಗಳಾದ ವಿದ್ಯುಚ್ಛಕ್ತಿ ನೀರು ಸರಬರಾಜು, ಒಳಚರಂಡಿ ವ್ಯವಸ್ಥೆ ಇತ್ಯಾದಿಗಳನ್ನು ಆರೋಗ್ಯ ನೈರ್ಮಲೀಕರಣ ಹಾಗೂ ಭದ್ರತೆಗಳ ಉದ್ದೇಶದಿಂದ ಎಲ್ಲಾ ಸೌಲಭ್ಯಗಳನ್ನು ಕಾನೂನು ರೀತಿಯ ಒದಗಿಸಿ ಕೊಡುವುದು ಅರ್ಜಿದಾರರ ಜವಾಬ್ದಾರಿಯಾಗಿರುತ್ತದೆ.
7. ಈ ಜಮೀನಿಗೆ ತಾಕು ಫೂಟು ಖರಾಬ್ ಜಮೀನಿದ್ದಲ್ಲಿ ಕರ್ನಾಟಕ ಭೂ ಕಂದಾಯ ಕಾಯ್ದೆ 1964 ರ ಕಲಂ 67 ರಂತೆ ಇದ್ದು ಇದನ್ನು ಸಾರ್ವಜನಿಕ ಉದ್ದೇಶಕ್ಕಾಗಿ ಮೀಸಲಿರಿಸಲಾಗಿದೆ. ಈ ವಿಸ್ತೀರ್ಣದ ಮೇಲೆ ಅರ್ಜಿದಾರರಿಗೆ ಯಾವುದೇ ಹಕ್ಕು ಇರುವುದಿಲ್ಲ. ಈ ಬಿ ಖರಾಬಿನ ವಿಸ್ತೀರ್ಣದ ಹಕ್ಕು ಯಾವಾಗಲೂ ಸರ್ಕಾರಕ್ಕೆ ಸೇರಿರುತ್ತದೆ. ತಹಸೀಲ್ದಾರರವರು ಈ ಬಾಬು ಆರ್.ಟಿ.ಸಿ.ಯಲ್ಲಿ ಸ್ಪಷ್ಟವಾಗಿ ನಮೂದಿಸತಕ್ಕದ್ದು.

8. ಸರ್ಕಾರದ ಆದೇಶ ಸಂಖ್ಯೆ : ಪಿಡಬ್ಲ್ಯೂಡಿ 7556-665 ಆರ್ ಮತ್ತು ಬಿ-6-54-5 ಮತ್ತು ಕೇಂದ್ರ ಸರ್ಕಾರದ ಸಾರಿಗೆ ಇಲಾಖೆಯ ಪತ್ರದ ಸಂಖ್ಯೆ : ಪಿ1/7[11]67, ದಿನಾಂಕ : 1.1.1966 ರಂತೆ ಈ ಜಮೀನಿನಲ್ಲಿ ಕಟ್ಟಲು ಉದ್ದೇಶಿಸಿರುವ ಕಟ್ಟಡವು ರಾಷ್ಟ್ರೀಯ ಹಾಗೂ ರಾಜ್ಯ ಹೆದ್ದಾರಿಗಳಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ, ರಸ್ತೆಯ ಮಧ್ಯ ಭಾಗದಿಂದ 40 ಮೀಟರ್‌ಗಳ ಅಂತರವನ್ನು ಮತ್ತು ಜಿಲ್ಲಾ ಹೆದ್ದಾರಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ, ರಸ್ತೆಯ ಮಧ್ಯ ಭಾಗದಿಂದ 25 ಮೀಟರ್‌ಗಳ ಅಂತರವನ್ನು ಕಾದಿರಿಸಬೇಕು ಹಾಗೂ ಈ ಖಾಲಿ ಪ್ರದೇಶದಲ್ಲಿ ಯಾವುದೇ ಕಟ್ಟಡವನ್ನು ಕಟ್ಟಬಾರದು.
9. ಈ ಭೂ ಪರಿವರ್ತನಾ ಜಮೀನಿನಲ್ಲಿ ಸ್ಥಾಪಿಸಲಾಗುವ ಕೈಗಾರಿಕಾ ಘಟಕಗಳು ಹೊರದೂಡುವ ಹೊಗೆ, ಅವಿಲ, ಇತರೆ ಕಲ್ಮಶಗಳನ್ನು ಪರಿಣಾಮಕಾರಿಯಾಗಿ ತಡೆಗಟ್ಟಿ ಸಾರ್ವಜನಿಕರ ಆರೋಗ್ಯಕ್ಕೆ ಯಾವುದೇ ರೀತಿಯ ಹಾನಿಯಾಗದಂತರ ಹಾಗೂ ಪರಿಸರ ಮಾಲಿನ್ಯವಾಗದಂತೆ ನೋಡಿಕೊಳ್ಳತಕ್ಕದ್ದು. ಕೈಗಾರಿಕಾ ಉದ್ದೇಶಕ್ಕಾಗಿ ಭೂ ಪರಿವರ್ತಿತ ಜಮೀನಿನಲ್ಲಿ ಸ್ಥಾಪಿಸುವ ಕೈಗಾರಿಕಾ ಘಟಕಗಳು ಕರ್ನಾಟಕ ಮಾಲಿನ್ಯ ನಿಯಂತ್ರಣ ಮಂಡಳಿ / ಪರಿಸರ ಇಲಾಖೆಗೆ ಅನುಮತಿ ಹೊಂದಿರತಕ್ಕದು,
10. ಈ ಆದೇಶವು ಸದರಿ ಜಮೀನಿಗೆ ಸಂಬಂಧಪಟ್ಟಂತೆ ಯಾವುದೇ ನ್ಯಾಯಾಲಯದಲ್ಲಿನ ದಾವೆ / ರಿಟ್ ಅರ್ಜಿ / ಮೇಲ್ಮನವಿಯ ತೀರ್ಪಿಗೆ ಒಳಪಟ್ಟಿರುತ್ತದೆ.
11. ಪ್ರಸ್ತಾವಿತ ಜಮೀನಿನ ಬಗ್ಗೆ ಯಾವುದೇ ಭೂ ಸ್ವಾಧೀನ ಪ್ರಕ್ರಿಯೆಗೆ ಒಳಪಟ್ಟಿದಲ್ಲಿ ಈ ಪ್ರಾಧಿಕಾರವು ಜವಾಬ್ದಾರಿಯಾಗುವುದಿಲ್ಲ.
12. ಪರಿಷ್ಕೃತ ಮಾಸ್ಟರ್ ಪ್ಲಾನ್ 2015ರಲ್ಲಿ ಸೂಕ್ಷ್ಮ ವಲಯ [Sensitive Zone] ನಲ್ಲಿ ಬರುವ ಪ್ರದೇಶಗಳಿಗೆ ಜಿಲ್ಲಾಧಿಕಾರಿಗಳು, ಬೆಂಗಳೂರು ಜಿಲ್ಲೆ, ಬೆಂಗಳೂರು ಇವರಿಗೆ ಭೂ ಪರಿವರ್ತನೆ ಬಗ್ಗೆ ಮಾಹಿತಿ ನೀಡುವಾಗ ಪ್ರಾಧಿಕಾರದ ಪೂರ್ವಾನುಮತಿ ಇಲ್ಲದೇ ಉದ್ದೇಶಿತ ಭಾಗದಲ್ಲಿ ಯಾವುದೇ ರೀತಿಯ ಅಭಿವೃದ್ಧಿಯನ್ನು ಕೈಗೊಳ್ಳಬಾರದು
13. ಉದ್ದೇಶಿತ ಜಾಗದಲ್ಲಿ ಯಾವುದೇ ರೀತಿಯ ಅಭಿವೃದ್ಧಿ ಚಟುವಟಿಕೆಗಳನ್ನು ಕೈಗೊಳ್ಳಬೇಕಾದಲ್ಲಿ ಪ್ರಾಧಿಕಾರದಿಂದ ರಚಿತವಾದ ಉಪಸಮಿತಿಯ ನಿರ್ಣಯದಂತೆ ನಕ್ಷೆಗಳನ್ನು ಅನುಮೋದಿಸಿಕೊಳ್ಳತಕ್ಕದ್ದು.
14. ಪ್ರಶ್ನಿತ ಜಮೀನು ಸರ್ಕಾರಿ ಜಮೀನು ವ್ಯಾಪ್ತಿಗೆ ಒಳಪಟ್ಟಲ್ಲಿ ಕರ್ನಾಟಕ ಭೂ ಕಂದಾಯ ಕಾಯ್ದೆ 1964ರ ಕಲಂ 136 [3]ರ ಅಡಿ ವಿಚಾರಣೆ ನಡೆಸಿ ಹೊರಡಿಸುವ ತೀರ್ಮಾನಕ್ಕೆ ಒಳಪಟ್ಟಿರುತ್ತದೆ.
15. ಸದರಿ ಜಮೀನು ಮಂಜೂರಾದ ಸರ್ಕಾರಿ ಜಮೀನಾಗಿದ್ದಲ್ಲಿ ತಕ್ಷಣವೇ ಪೋಡಿ ಮಾಡಿಸುವ ಷರತ್ತಿಗೆ ಒಳಪಟ್ಟಿರುತ್ತದೆ.

16. ಅರ್ಜಿದಾರರು ಯಾವುದೇ ಸತ್ಯಾಂಶಗಳನ್ನು ಮರೆ ಮಾಚಿ, ಅನಧಿಕೃತ ದಾಖಲೆಗಳ ಮೇಲೆ ಈ ಅಧಿಕೃತ :-ಜ್ಞಾಪನ ಪಡೆದಿರುವುದು ದೃಢಪಟ್ಟಲ್ಲಿ ನಂತರ ಇನ್ನಾವುದೇ ತಿಳುವಳಿಕೆ ಇಲ್ಲದೆ ಈ ಅಧಿಕೃತ ಜ್ಞಾಪನ ತನ್‌ತಾನೇ ರದ್ದುಗೊಳ್ಳುತ್ತದೆ ಹಾಗೂ ಇದರಿಂದ ಅರ್ಜಿದಾರರಿಗಾಗಲೀ ಅಥವಾ ಅವರ ಉತ್ತರಾಧಿಕಾರಿಗಳಿಗಾಗಲೀ ಆಗುವ ಯಾವುದೇ ಬುಕ್ಕಾನಿಗೆ ಸರ್ಕಾರವಾಗಲೀ ಅಥವಾ ಈ ಪ್ರಾಧಿಕಾರವಾಗಲೀ 'ಯಾವುದೇ ರೀತಿಯ ಜವಾಬ್ದಾರರಾಗಿರುವುದಿಲ್ಲ. ಇದರ ಪೂರ್ಣ ಹೊಣೆಗಾರಿಕೆ ಅರ್ಜಿದಾರರದ್ದೇ ಆಗಿರುತ್ತದೆ.

17. ಮೇಲ್ಕಂಡ ಯಾವುದೇ ಷರತ್ತುಗಳನ್ನು ಉಲ್ಲಂಘಿಸಿದಲ್ಲಿ ಈ 'ಭೂ ಪರಿವರ್ತನೆ ಆದೇಶ ಯಾವುದೇ ಸೂಚನೆ ನೀಡದೆ ರದ್ದುಗೊಳಿಸಲಾಗುವುದು ಮತ್ತು ಕರ್ನಾಟಕ ಭೂ ಕಂದಾಯ ಕಾಯಿದೆ 1964 ರ ಕಲಂ 96 ರಂತೆ ದಂಡ ಶುಲ್ಕವನ್ನು ವಿಧಿಸಲು ಮುಂದಿನ ಕ್ರಮ ತೆಗೆದುಕೊಳ್ಳಲಾಗುವುದು ಅಲ್ಲದೇ ಈ ಜಮೀನಿನಲ್ಲಿ ಅನಧಿಕೃತವಾಗಿ ಕಟ್ಟಿದ ಕಟ್ಟಡಗಳನ್ನು ಯಾವುದೇ ಪರಿಹಾರ ನೀಡದೆ ಕೆಡವಲು ಕ್ರಮ ತೆಗೆದುಕೊಳ್ಳಲಾಗುವುದು 'ಹಾಗೂ ಅದಕ್ಕೆ ತಗಲುವ ವೆಚ್ಚವನ್ನು ಭೂ ಕಂದಾಯ ಬಾಕಿ ಎಂದು ಖಾತೆದಾರರಿಂದ ವಸೂಲಿ ಮಾಡಲಾಗುವುದು

#### ಷೆಡ್ಯೂಲ್ ವಿವರ

ಬೆಂಗಳೂರು ಜಿಲ್ಲೆ, ಬೆಂಗಳೂರು ಉತ್ತರ [ಅಪರ] ತಾಲ್ಲೂಕು, ಯಲಹಂಕ ಹೋಬಳಿ, ಅವಲಹಳ್ಳಿ ಗ್ರಾಮದ ಸರ್ವೆ ನಂ : 66 ರಲ್ಲಿ 16-28 ಎಕರೆ / ಗುಂಟೆ, ಸರ್ವೆ ನಂ : 69/1ರಲ್ಲಿ 2-09 ಎಕರೆ / ಗುಂಟೆ & 0-06 ಗುಂಟೆ ಎ. ಖರಾಬು ಸೇರಿ 2-15 ಎಕರೆ / ಗುಂಟೆ, ಸರ್ವೆ ನಂ : 69/2ರಲ್ಲಿ 2-24 ಎಕರೆ / ಗುಂಟೆ & 0-06 ಗುಂಟೆ ಎ' ಖರಾಬು ಸೇರಿ 2-32 ಎಕರೆ / ಗುಂಟೆ ಸರ್ವೆ ನಂ : 70ರಲ್ಲಿ 18-10 ಎಕರೆ / ಗುಂಟೆ, ಸರ್ವೆ ನಂ : 71ರಲ್ಲಿ 6-21 ಎಕರೆ / ಗುಂಟೆ, ಸರ್ವೆ ನಂ : 73ರಲ್ಲಿ 2-15 ಎಕರೆ / ಗುಂಟೆ ಒಟ್ಟು 48-39 ಎಕರೆ / ಗುಂಟೆ ವಿಸ್ತೀರ್ಣಕ್ಕೆ ಭೂ ಪರಿವರ್ತಿತ ಜಮೀನಿಗೆ ಚೆಕ್ಕುಬಂದಿ :

| ಸರ್ವೆ ನಂ | : | ಪೂರ್ವಕ್ಕೆ               | ಪಶ್ಚಿಮಕ್ಕೆ                | ಉತ್ತರಕ್ಕೆ                    | ದಕ್ಷಿಣಕ್ಕೆ                                         |
|----------|---|-------------------------|---------------------------|------------------------------|----------------------------------------------------|
| 66       | : | ಸರ್ವೆ ನಂ:66 ಉಳಿಕೆ ಜಮೀನು | ಸರ್ವೆ ನಂ:71 ರ ಉಳಿಕೆ ಜಮೀನು | ಸರ್ವೆ ನಂ:68, 69 & 70 ರ ಜಮೀನು | ಸರ್ವೆ ನಂ:66 ಉಳಿಕೆ ಜಮೀನು & ರಾಮಗೊಂಡನಹಳ್ಳಿ ಗ್ರಾಮದ ಗಡಿ |
| 69/1     | : | ಸರ್ವೆ ನಂ:68 ರ ಜಮೀನು     | ಸರ್ವೆ ನಂ:70 ರ ಜಮೀನು       | ಸರ್ವೆ ನಂ:69/1 ರ ಜಮೀನು        | ಸರ್ವೆ ನಂ:69/2 ರ ಜಮೀನು                              |
| 69/2     | : | ಸರ್ವೆ ನಂ:68 ರ ಜಮೀನು     | ಸರ್ವೆ ನಂ:70 ರ             | ಸರ್ವೆ ನಂ:69/1 ರ              | ಸರ್ವೆ ನಂ:66 ರ ಜಮೀನು                                |

|    |   |                                       |                                    |                                      |                              |
|----|---|---------------------------------------|------------------------------------|--------------------------------------|------------------------------|
|    |   |                                       | ಜಮೀನು                              |                                      |                              |
| 70 | : | ಸರ್ವೆ ನಂ:66,<br>69/1 & 69/2ರ<br>ಜಮೀನು | ಸರ್ವೆ<br>ನಂ:71 &72<br>ರ ಜಮೀನು      | ಸರ್ವೆ ನಂ:70 ರ<br>ಜಮೀನು               | ಸರ್ವೆ ನಂ:66 ರ<br>ಜಮೀನು       |
| 71 | : | ಸರ್ವೆ ನಂ:71ರ<br>ಜಮೀನು                 | ಸರ್ವೆ<br>ನಂ:71 ರ<br>ಉಳಿಕೆ<br>ಜಮೀನು | ಸರ್ವೆ ನಂ:72 ರ<br>ಜಮೀನು               | ರಾಮಗೊಂಡನಹಳ್ಳಿ<br>ಗ್ರಾಮದ ಗಡಿ  |
| 73 | : | ಸರ್ವೆ ನಂ:70 ರ<br>ಜಮೀನು                | ಸರ್ವೆ<br>ನಂ:75 ರ<br>ಜಮೀನು          | ಸರ್ವೆ ನಂ:109/3<br>& 109/4 ರ<br>ಜಮೀನು | ಸರ್ವೆ ನಂ:73 ರ<br>ಉಳಿಕೆ ಜಮೀನು |

ಸಹಿ/-

[ಹೆಚ್.ರಾಮಾಂಜನೇಯ]

ಪಿರೇಷ ಜಿಲ್ಲಾಧಿಕಾರಿಗಳು [ಕಂದಾಯ],

ಬೆಂಗಳೂರು ಜಿಲ್ಲೆ, ಬೆಂಗಳೂರು."

(Emphasis added)

The petitioner has been since then using the property as a stud farm.

11. All these happen when the challenge to the acquisition was pending consideration at the hands of this Court. A learned single Judge of this Court in Writ Petition Nos.55863-55865 of 2014 allows the writ petitions by setting aside the preliminary notification seeking acquisition. The order passed by the learned single Judge reads as follows:

"4. The respondents have filed the objection statement. In the objection statement it is contended that since there were large extents of lands which had been notified, the respondents require sometime to go through the process and thereafter complete the acquisition proceedings.

5. In that background, I do not propose to refer to the contentions in detail for the reason that in respect of the very same notification, this Court had made a detailed consideration in W.P.No.9640 of 2014 and connected petitions on 26-11-2014. During the said consideration, this Court had taken note of contention put forth on behalf of the respondents with regard to the delay that has occasioned in the process as there were certain deletions at the initial stages and when subsequent deletions were made by the Land Acquisition Officer, the Government has initiated enquiries in that regard and therefore there was delay. **This Court having not accepted such contention and further relying on a decision of this Court had arrived at the conclusion that the delay as explained by the respondents is not acceptable and therefore, the notification insofar as the lands of the petitioners therein was held as lapsed. Since in the instant case also the position is not different from the said cases, a similar consideration requires to be made.**

**6. Accordingly, the notification dated 30-12-2008 assailed in these petitions is held as having lapsed as against the lands of the petitioners referred to in these petitions which were included in the said notification.**

In terms of the above, these petitions are allowed to that extent.

In view of the disposal of the main petition, I.A.No.2/2014 for dispensation also stands disposed of."

(Emphasis supplied)

Writ appeals come to be preferred by the BDA in W.A.No.5098/2016 and connected matter assailing the orders passed by the learned single Judge *supra*. The writ appeals come to be dismissed on 28.04.2017, by the following order:

"2. As prayed for by Mr. G.S. Kannur, learned Advocate appearing for the appellants, the appeal is taken up for preliminary hearing.

3. The writ petitioner assailed a notification dated December 30, 2008, proposing to acquire the land for formation of a layout. **The preliminary notification was issue on December 30, 2008. Thereafter, neither the final notification was issued nor possession was taken. Consequently, the Hon'ble single Judge held that as within the reasonable time, no further action was taken, the proposal for acquisition got lapsed.**

4. We do not find any merit in the appeal

5. The application for condonation of delay in filing the appeal is dismissed. Consequently, the appeal is, also dismissed."

(Emphasis supplied)

The BDA challenges both the orders in several cases before the Apex Court. The Apex Court in **BANGALORE DEVELOPMENT AUTHORITY V. STATE OF KARNATAKA** (Civil Appeal No.7661-63 of 2018 and connected cases decided on 03-08-2018) reported in

**(2018) 9 SCC 122** sets aside both the orders of this Court and issues several directions holding:

**"15.** First, we take up the question as to whether the High Court was legally justified on merits in quashing the preliminary notification issued under Section 17. The Constitution Bench of this Court in *Offshore Holdings (P) Ltd.* [*Offshore Holdings (P) Ltd. v. BDA*, (2011) 3 SCC 139: (2011) 1 SCC (Civ) 662] has decided the question affirmatively. The BDA has issued preliminary notification for acquisition of the lands. Non-finalisation of the acquisition proceedings resulted in the filing of the writ petitions before the High Court of Karnataka by the owners in the year 1987. Certain lands were denotified and the permission which was granted earlier was withdrawn. The denotification of the land was also withdrawn. It was urged that the time-frame which was prescribed under Sections 6 and 11-A of the LA Act would form an integral part of the BDA Act. This Court considered the scheme under the BDA Act and has observed thus: (SCC pp. 158-59, 162, 164-66 & 192, paras 33, 35, 50, 55, 123, 124 & 125)

**"33.** The provisions of the Land Acquisition Act, which provide for time-frame for compliance and the consequences of default thereof, are not applicable to acquisition under the BDA Act. They are Sections 6 and 11-A of the Land Acquisition Act. As per Section 11-A, if the award is not made within a period of two years from the date of declaration under Section 6, the acquisition proceedings will lapse. Similarly, where declaration under Section 6 of this Act is not issued within three years from the date of publication of notification under Section 4 of the Land Acquisition Act [such notification being issued after the commencement of the Land Acquisition (Amendment and Validation) Ordinance, 1967 but before the commencement of Central Act 68 of 1984] or within one year where Section 4 notification was published subsequent to the passing of Central Act 68 of 1984,

no such declaration under Section 6 of the Land Acquisition Act can be issued in any of these cases.

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35. Be that as it may, it is clear that the BDA Act is a self-contained code which provides for all the situations that may arise in planned development of an area including acquisition of land for that purpose. The scheme of the Act does not admit any necessity for reading the provisions of Sections 6 and 11-A of the Land Acquisition Act, as part and parcel of the BDA Act for attainment of its object. The primary object of the State Act is to carry out planned development and acquisition is a mere incident of such planned development. The provisions of the Land Acquisition Act, where the land is to be acquired for a specific public purpose and acquisition is the sum and substance of that Act, all matters in relation to the acquisition of land will be regulated by the provisions of that Act. The State Act has provided its own scheme and provisions for acquisition of land.

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50. Applying the above principle to the facts of the case in hand, it will be clear that the provisions relating to acquisition like passing of an award, payment of compensation and the legal remedies available under the Central Act would have to be applied to the acquisitions under the State Act but the bar contained in Sections 6 and 11-A of the Central Act cannot be made an integral part of the State Act as the State Act itself has provided specific time-frames under its various provisions as well as consequences of default thereto. The scheme, thus, does not admit such incorporation.

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55. The principle stated in *Munithimmaiah case* [*Munithimmaiah v. State of Karnataka*, (2002) 4 SCC 326] that the BDA Act is a self-contained code, was referred with approval by a three-Judge Bench of this Court in *Bondu Ramaswamy* [*Bondu Ramaswamy v. BDA*, (2010) 7 SCC 129 : (2010) 3 SCC (Civ) 1] . The Court, inter alia, specifically discussed and answered the questions whether the

provisions of Section 6 of the Land Acquisition Act will apply to the acquisition under the BDA Act and if the final declaration under Section 19(1) is not issued within one year of the publication of the notification under Section 17(1) of the BDA Act, whether such final declaration will be invalid and held as under: (*Bondu Ramaswamy case* [*Bondu Ramaswamy v. BDA*, (2010) 7 SCC 129 : (2010) 3 SCC (Civ) 1] , SCC p. 170, paras 79-81)

'79. This question arises from the contention raised by one of the appellants that the provisions of Section 6 of the Land Acquisition Act, 1894 ("the LA Act", for short) will apply to the acquisitions under the BDA Act and consequently if the final declaration under Section 19(1) is not issued within one year from the date of publication of the notification under Sections 17(1) and (3) of the BDA Act, such final declaration will be invalid. The appellants' submissions are as under: the notification under Sections 17(1) and (3) of the Act was issued and gazetted on 3-2-2003 and the declaration under Section 19(1) was issued and published on 23-2-2004. Section 36 of the Act provides that the acquisition of land under the BDA Act within or outside the Bangalore Metropolitan Area, shall be regulated by the provisions of the LA Act, so far as they are applicable. Section 6 of the LA Act requires that no declaration shall be made, in respect of any land covered by a notification under Section 4 of the LA Act, after the expiry of one year from the date of the publication of such notification under Section 4 of the LA Act. As the provisions of the LA Act have been made applicable to acquisitions under the BDA Act, it is necessary that the declaration under Section 19(1) of the BDA Act (which is equivalent to the final declaration under Section 6 of the LA Act) should also be made before the expiry of one year from the date of publication of notification under Sections 17(1) and (3) of the BDA Act [which is equivalent to Section 4(1) of the LA Act].

80. The BDA Act contains provisions relating to acquisition of properties, up to the stage of publication

of final declaration. The BDA Act does not contain the subsequent provisions relating to completion of the acquisition, that is, issue of notices, enquiry and award, vesting of land, payment of compensation, principles relating to determination of compensation, etc. Section 36 of the BDA Act does not make the LA Act applicable in its entirety, but states that the acquisition under the BDA Act, shall be regulated by the provisions, so far as they are applicable, of the LA Act. Therefore, it follows that where there are already provisions in the BDA Act regulating certain aspects or stages of acquisition or the proceedings relating thereto, the corresponding provisions of the LA Act will not apply to the acquisitions under the BDA Act. Only those provisions of the LA Act, relating to the stages of acquisition, for which there is no provision in the BDA Act, are applied to the acquisitions under the BDA Act.

**81. The BDA Act contains specific provisions relating to preliminary notification and final declaration. In fact the procedure up to final declaration under the BDA Act is different from the procedure under the LA Act relating to acquisition proceedings up to the stage of final notification. Therefore, having regard to the scheme for acquisition under Sections 15 to 19 of the BDA Act and the limited application of the LA Act in terms of Section 36 of the BDA Act, the provisions of Sections 4 to 6 of the LA Act will not apply to the acquisitions under the BDA Act. If Section 6 of the LA Act is not made applicable, the question of amendment to Section 6 of the LA Act providing a time-limit for issue of final declaration, will also not apply.'**

We may notice that, in the above case, the Court declined to examine whether the provisions of Section 11-A of the Central Act would apply to the acquisition under the BDA Act but categorically stated that Sections 4 and 6 of the Central Act were inapplicable to the acquisition under the BDA Act.

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123. Accepting the argument of the appellant would certainly frustrate the very object of the State

law, particularly when both the enactments can peacefully operate together. To us, there appears to be no direct conflict between the provisions of the Land Acquisition Act and the BDA Act. *The BDA Act does not admit reading of provisions of Section 11-A of the Land Acquisition Act into its scheme as it is bound to debilitate the very object of the State law.* Parliament has not enacted any law with regard to development the competence of which, in fact, exclusively falls in the domain of the State Legislature with reference to Schedule VII List II Entries 5 and 18.

124. Both these laws cover different fields of legislation and do not relate to the same List, leave apart the question of relating to the same entry. ***Acquisition being merely an incident of planned development, the Court will have to ignore it even if there was some encroachment or overlapping.*** The BDA Act does not provide any provision in regard to compensation and manner of acquisition for which it refers to the provisions of the Land Acquisition Act. There are no provisions in the BDA Act which lay down detailed mechanism for the acquisition of property, i.e. they are not covering the same field and, thus, there is no apparent irreconcilable conflict. The BDA Act provides a specific period during which the development under a scheme has to be implemented and if it is not so done, the consequences thereof would follow in terms of Section 27 of the BDA Act. None of the provisions of the Land Acquisition Act deals with implementation of schemes. We have already answered that the acquisition under the Land Acquisition Act cannot, in law, lapse if vesting has taken place. Therefore, the question of applying the provisions of Section 11-A of the Land Acquisition Act to the BDA Act does not arise. Section 27 of the BDA Act takes care of even the consequences of default, including the fate of acquisition, where vesting has not taken place under Section 27(3). Thus, there are no provisions under the two Acts which operate in the same field and have a direct irreconcilable conflict.

125. Having said so, now we proceed to record our answer to the question referred to the larger Bench as follows:

For the reasons stated in this judgment, we hold that the BDA Act is a self-contained code. Further, we hold that provisions introduced in the Land Acquisition Act, 1894 by Central Act 68 of 1984, limited to the extent of acquisition of land, payment of compensation and recourse to legal remedies provided under the said Act, can be read into an acquisition controlled by the provisions of the BDA Act but with a specific exception that the provisions of the Land Acquisition Act insofar as they provide different time-frames and consequences of default thereof, including lapsing of acquisition proceedings, cannot be read into the BDA Act. Section 11-A of the Land Acquisition Act being one of such provisions cannot be applied to the acquisitions under the provisions of the BDA Act."

(emphasis supplied)

**16.** This Court has emphasised that the primary object of the BDA Act is to carry out planned development. The State Act has provided its own scheme. The time constraints of the land acquisition are not applicable to the BDA Act. Making applicable the time-frame of Section 11-A of the LA Act would debilitate the very object of the BDA Act. **It is apparent that the decision of the Single Judge as well as the Division Bench is directly juxtaposed to the decision of the five-Judge Bench of this Court in *Offshore Holdings [Offshore Holdings (P) Ltd. v. BDA*, (2011) 3 SCC 139: (2011) 1 SCC (Civ) 662] in which precisely the question involved in the instant cases had been dealt with. By indirect method by making applicable the time period of two years of Section 11-A of the LA Act mandate of BDA Act has been violated.** However, it is shocking that various decisions have been taken into consideration particularly by the Single Judge, however, whereas the decision that has set the controversy at rest, has not even been noticed even by the Single Judge or by the Division Bench. If this is the fate of the law of the land laid down by this Court that too the

decision by the Constitution Bench, so much can be said but to exercise restraint is the best use of the power. Least said is better, the way in which the justice has been dealt with and the planned development of Bangalore City has been left at the mercy of unscrupulous persons of the Government and the BDA.

**17.** It is apparent from the fact that the Single Judge has relied upon the decision in *H.N. Shivanna* [*H.N. Shivanna v. State of Karnataka*, 2012 SCC OnLine Kar 8956: (2013) 4 KCCR 2793] in which it was observed by the Division Bench that scheme was to be completed in 2 years otherwise it would lapse. It was precisely the question of time period which was dwelt upon and what was ultimately decided by this Court in *Offshore Holdings (P) Ltd. v. BDA*, (2011) 3 SCC 139: (2011) 1 SCC (Civ) 662] has been blatantly violated by the Single Judge and that too in flagrant violation of the provisions and intendment of the Act.

**18.** It is also apparent from the facts and circumstances of the case that there were a large number of irregularities in the course of an inquiry under Section 18(1) of the BDA Act. The Government had nothing to do with respect to the release of the land at this stage, as the stage of final notification had not reached but still the landowners in connivance with the influential persons, political or otherwise, managed the directions in respect of 251 acres of the land and the Special Land Acquisition Collector also considered exclusion of 498 acres of the land against which the question was raised in the Assembly and eyebrows were raised in public domain. Two inquiries were ordered on 24-11-2012 and 19-1-2013 by the State Government and based upon that inquiry, it was ordered and a public notice was issued on 3-5-2014 that the BDA will consider the entire matter afresh.

**19.** In the aforesaid backdrop of the facts, the writ petitions came to be filed, it would not be termed to be the bona fide litigation, but was initiated having failed in attempt to get the land illegally excluded at the hands of the Special Land Acquisition Collector and the State Government and after the inquiries held in the matter and the notice was

issued to start the proceedings afresh. At this stage, the writ petitions were filed. In the aforesaid circumstances, it was not at all open to the High Court to quash the preliminary notification issued under Section 17, as the landowners, the State Government and BDA were responsible to create a mess in the way of planned development of Bangalore City.

**20.** The scheme which was framed was so much benevolent scheme that 40% of the 55% of the land reserved for the residential purpose was to be given to the landowners at their choice and they were also given the choice to obtain the compensation, if they so desired, under the provisions of the LA Act. Thus, it was such a scheme that there was no scope for any exclusion of the land in the ultimate final notification.

**21.** It is apparent from the circumstances that the matter cannot be left at the mercy of unscrupulous authority of the BDA, the State Government or in the political hands. Considering the proper development and planned development of Bangalore City, let the Government issue a final notification with respect to the land which has been notified in the initial notification and there is no question of leaving out of the land in the instant case as option has been given to landowners to claim the land or to claim the compensation under the relevant LA Act which may be applicable in the case.

**22.** It was contended on behalf of the landowners that certain developments have taken place after the orders were passed regarding exclusion of the land and when Section 27 provides a limitation of five years after final notification, in case development was not undertaken within five years, even the final scheme would lapse. Thus, the principle enunciated in Section 27 should be followed by this Court with respect to the lapse of preliminary notification as well. We find that there is a vast difference in the provisions and action to be taken pursuant to the preliminary notification and the final notification under Section 19. In the instant case, the facts indicated that it was in the interest of the public, landowners, BDA and the State Government. The

**scheme had prior approval of the State Government however at the cost of public interest yet another scheme was sought to be frustrated by powerful unforeseen hands and the issuance of final notification had been delayed. Three inquiries were ordered, two by the State Government and one by the BDA as the release of the land was being proposed in an illegal manner. Hue and cry has been raised about their illegalities in the Assembly as well as in the public. Thus, for the delay, owners cannot escape the liability, they cannot take the advantage of their own wrong having acted in collusion with the authorities. Thus, we are of the considered opinion that in the facts of the case the time consumed would not adversely affect the ultimate development of Bangalore City.**

**23.** The authorities are supposed to carry out the statutory mandate and cannot be permitted to act against the public interest and planned development of Bangalore City which was envisaged as a statutory mandate under the BDA Act. The State Government, as well as the authorities under the BDA Act, are supposed to cater to the need of the planned development which is a mandate enjoined upon them and also binding on them. They have to necessarily carry it forward and no dereliction of duty can be an escape route so as to avoid fulfilment of the obligation enjoined upon them. The courts are not powerless to frown upon such an action and proper development cannot be deterred by continuing inaction. As the proper development of such metropolitan is of immense importance, the public purpose for which the primary notification was issued was in order to provide civic amenities like laying down roads, etc. which cannot be left at the whim or mercy of the authorities concerned. They were bound to act in furtherance thereof. There was a clear embargo placed while issuing the notification not to create any charge, mortgage, assign, issue or revise any improvement and after inquiry, it was clear that the notice had been issued in May 2014, thus, no development could have been made legally. Notification dated 3-5-2014 was issued that re-inquiry was necessary in the matter. The development made, if any, would be at the peril of the owners and it has to give way to larger welfare schemes and the individual interest and cannot come in the

way of the larger public interest. The acquisition was for the proper and planned development that was an absolute necessity for the city of Bangalore.

**24. In the circumstances, we have no hesitation in condoning the delay. Though, it is apparent that the authorities had come with certain delay, in certain matters and the writ appeals were also filed belatedly with the delay in the High Court, however, considering the provisions of the scheme and the method and manner, wrong has been committed, it has compelled us not only to condone the delay but also to act in the matter so as to preserve the sanctity of the legal process and decision of this Court in *Offshore Holdings* [*Offshore Holdings (P) Ltd. v. BDA*, (2011) 3 SCC 139: (2011) 1 SCC (Civ) 662].**

**25.** We, therefore, direct the State Government as well as the BDA to proceed further to issue final notification without any further delay in the light of the observations made in the order. The impugned orders passed by the Single Judge and the Division Bench are hereby quashed and set aside. The scheme and notification under Section 17 of the BDA Act are hereby upheld with the aforesaid directions.

**26.** As noticed above, the Land Acquisition Officer proposed exclusion of 251 acres of land from acquisition on being asked by the Government after the preliminary notification was issued. The Land Acquisition Officer, has considered another 498 acres of land to be excluded from being acquired. In connection to this, several questions were raised in the Karnataka Legislative Assembly, as a result of which two inquiries were ordered by the State Government i.e. on 24-11-2012 and 19-1-2013. However, result of the inquiry is not forthcoming. Further, it appears that the exclusion of the lands from acquisition was proposed in connivance with influential persons; political or otherwise. We are of the view that the BDA and the State Government have to proceed with the acquisition of these lands. We are also of the view that it is just and proper to hold an inquiry for fixing the responsibility on the officials of the BDA and the State Government for trying to exclude these lands from acquisition.

**27.** Therefore, we appoint Hon'ble Mr Justice K.N. Keshavanarayana, former Judge of the Karnataka High Court as the inquiry officer for fixing the responsibility on the officials of the BDA and the State Government who were responsible for the aforesaid. The Commissioner, BDA is hereby directed to consult the inquiry officer and pay his remuneration. Further, we direct BDA to provide appropriate secretarial assistance and logistical support to the inquiry officer for holding the inquiry. In addition, we authorise the inquiry officer to appoint requisite staff on temporary basis to assist him in the inquiry and to fix their salaries. Further, the BDA is directed to pay their salaries. The State Government and the BDA are directed to produce the files/documents in relation to the aforesaid lands before the inquiry officer within a period of four weeks from today. We request the inquiry officer to submit his report to this Court as expeditiously as possible.

**28.** The State Government and the BDA are further directed to proceed with the acquisition of the aforementioned lands without excluding land from acquisition and submit a report to this Court the steps taken by them in this regard within a period of three months from today."

(Emphasis supplied)

The Apex Court on the reasons so rendered directs the State Government and the BDA to proceed with the acquisition for the formation of layout without excluding any land from acquisition and submit a report to the Apex Court the steps taken towards the said acquisition. It directed completion within 3 months.

12. Pursuant to the directions of the Apex Court, the BDA issues final notification. In the final notification, the axe falls on the lands of the petitioner as the Apex Court had directed that all the lands that had been given up, be acquired as the lands were given up illegally. Then comes a few miscellaneous applications in the disposed of cases before the Apex Court. The Apex Court on the miscellaneous applications, to consider several nuances of the lands to be dropped from acquisition, appointed a Committee. The order directing constitution of the Committee reads as follows:

"1. Heard learned counsel for the parties and perused affidavit dated 26-11-2020, filed by the Commissioner, Bangalore Development Authority.

2. During the course of hearing, it is pointed out that after quashing of the preliminary notification by the High Court and before setting aside of the said order by this court, several constructions have been put up either by the land owners or purchasers of the sites from the land owners. It is submitted that these constructions are mainly dwelling houses. In this factual background, we are of the considered opinion that some protection against demolition of dwelling houses may be justified. Further the layout is meant for residential sites and this object of formation of layout would not be frustrated by saving lawfully constructed dwelling houses belonging to poor and middle income groups.

3. Judgment dated 3-08-2018, inter alia, observes that 45% of the land covered under the scheme was to be utilized for the civic amenities like play grounds, roads etc. and residential sites would be formed by utilizing remaining 55% of the land covered under the scheme. It is also clear

that out of the said 55% of developed residential area, 40% of 55% will be offered as compensation to the land owners as specified in the scheme and remaining 60% of 55% will be the share of the Bangalore Development Authority (BDA). The land-owners would be given option to accept the developed eligible residential land or opt for compensation as per the Land Acquisition Act, 1894 (for short 'the LA Act').

4. Needless to state that the acquisition of the land under the BDA Act is regulated by the provisions of the LA Act so far as they are applicable. (See: Section 38 of the BDA Act). The borrowed provisions of LA act, become an integral part of the BDA Act and are totally unaffected by the repeal of the LA Act. In other words, the provisions of the LA Act are incorporated into the BDA Act so far as they are applicable. **Of course, the bar contained in Sections 6 and 11-A of the LA Act, are not applicable to the BDA Act. We have discussed this aspect of the matter in our main judgment dated 3-08-2018. It is also clear that the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation & Resettlement Act, 2013 are not applicable for the acquisition made under the BDA Act. Final notification has also been issued after the pronouncement of judgment by this court in Civil Appeal No(s). 7661-7663 of 2018 dated 3-08-2018. We direct the BDA to proceed with the acquisition of the land as proposed in the notification.**

5. if the land-owner who has put up the construction opts for land by way of a developed plot in lieu of compensation, the constructed portion would be adjusted in the land that would be allotted in his favour. It is also clarified that the persons who have put up construction/ dwelling house are not entitled for compensation in respect of the constructed portion of the land. If the incentive scheme as per Bangalore Development Authority (Incentive Scheme for Voluntary Surrender of Land) Rules, 1989, is applied, the constructed portion can also be adjusted towards incentive site for voluntary surrender of land. However, where a person has constructed a dwelling house or any other building and where the constructed

portion is not adjusted for any reason, betterment charges could be levied on him under Section 20 of the BDA Act. BDA is directed to integrate the said constructions into the layout.

6. As stated above, the buildings constructed in the layout with valid sanction/permission from the competent authority/authority(ies) needs to be saved from demolition. Therefore, it is important to identify the lawful constructions made in the notified lands. For this purpose, we appoint a Committee comprising Hon'ble Mr. Justice A.V. Chandrashekhar, former Judge of the Karnataka High Court, as its Chairman, Mr. Jayakar Jerome, former Commissioner of the BDA and Mr. S.T. Ramesh, former Director General of Police as its Members. The Committee is required to look into each of the requests of the owners of the dwelling houses/buildings for its regularization. The Committee should also find out whether the said dwelling houses/buildings have been constructed in accordance with the sanction/permission of the competent authorities. The constructions which have come up after the date of pronouncement of the judgment by this Court i.e., 3.08.2018, shall not be eligible for regularization. The Committee is permitted to devise its own mechanism/ procedure for holding the enquiry including issuing notices in the local newspapers in this regard. Final orders regarding dwelling houses/buildings which will be protected, would be passed after we receive the report of the Committee.

7. To ensure that in the interregnum and from now onwards no further constructions come up, the Commissioner, BDA, would undertake exercise for satellite imaging of the area in question for identifying and noting the constructions as they exist. The said exercise would be undertaken within a period of three days from the date of receipt of a copy of this order. This exercise would be repeated periodically every month and in case any new constructions are noticed, they would be brought to the notice of the Committee and action, including demolition etc. would be undertaken.

**8. The Commissioner of the BDA is hereby directed to consult the Chairman and its Members of the Committee and accordingly fix and pay their remunerations. We direct the BDA to provide appropriate secretarial assistance, transport and other logistical support to the Chairman and the members of the Committee for holding an enquiry within two weeks from today. We authorize the Chairman of the Committee to appoint requisite staff, if needed, on a temporary basis to assist the Committee in conducting enquiry and fix their salaries which would be paid by the BDA. The BDA is also directed to provide enough office space in its headquarters for the smooth functioning of the Committee within two weeks. The Committee is also permitted to take assistance of any of the employees including surveyors from the BDA or of the State Government for the purpose of spot inspection, measurement and for its overall functioning.**

9. We make it clear that there is no bar for the Chairman or the Members of the Committee to accept any other engagement/arbitration matters during the subsistence of the Committee.

**10. The Committee is requested to submit its report before this court preferably within a period of six months from to-day.**

11. It appears that certain writ petitions are pending before the Karnataka High Court challenging the final notification for acquisition of lands for the formation of Dr.ShivaramaKaranth Layout. BDA is directed to furnish the list of pending cases in respect of the said layout to the Registrar General of the High Court within a week from today. We request the Registrar General to list them before the Court within two weeks. We request the high Court to dispose of the said cases on their merits expeditiously.

12. The State Government is directed to grant approval to the 60:40 scheme in respect of the layout in question, if necessary within two weeks from to-day. The

State Government is also directed to depute additionally six Land Acquisition Officers to the BDA within two weeks from today.

13. BDA to file status report on or before 11.02.2021.

14. List these cases on 19-01-2021.”

(Emphasis supplied)

13. After the constitution of the Committee as afore-directed by the Apex Court, the petitioner submits his representation to the Committee. The Committee passes certain orders on the representation of the petitioner, which are all communicated through text message. Since there is no other communication, the petitioner has challenged the very message communicated to him, produced as Annexures 'A' and 'A1' to the writ petition. They read as follows:

**“Your JCC Appln. No.  
JCC-14-03867 has not  
Been approved by the  
Hon’ble Supreme Court  
Of India, due to All Docs  
Post 03/08/2018.  
By Order – Justice  
Chandrashekar  
Committee  
Through Navigem Data”**

"In respect of JCC-14-03862, the Findings are: **"The land use of this property has been changed to "Residential" on 9.4.2010. Stud farm is not one of the Permitted uses in "Residential Zone". Picture indicates stables Panchayat plan sanction date 3.8.2011. Broadacres stables BESCOM bill for water shed 3.4.2021."** **"REJECTED."** Justice Chandrashekar Committee Through Navigem Data."

(Emphasis added)

The reason rendered by the Committee is, permitted usage in a residential zone does not indicate that it could be a stud farm. It further notices that the picture indicates stables, plan sanction and all other trites of a stud farm which comes to be rejected.

14. The learned senior counsel for the petitioner, as observed hereinabove, has taken this Court through the development in the land as a stud farm and all licences and all approvals granted by the panchayat are in place.

15. In that light, we deem it appropriate to notice the relief granted to similarly situated land owner. **The case there was of a**

**vacant land but all necessary permissions were taken long prior to the preliminary notification of such acquisition.**

Therefore, we are of the view that the subject lands could be dropped from acquisition. The petitioner is similarly situated and in fact, in a better footing. His lands are now being used for residential purposes or sporting events and as stud farm as there are several constructions in the area. In that light we are of the opinion that the lands of the petitioner are fit to be dropped from acquisition.

16. We are of the considered view that Schedules-A and B properties would squarely come within the orders of the Apex Court, which dropped several properties from acquisition and the Committee has erred in not considering the judgment of the Apex Court in dropping of certain properties from acquisition.

17. For the aforesaid reasons, the following:

### **ORDER**

(i) Writ Petition is allowed.

- (ii) Preliminary Notification dated 30-12-2008 and the final notification dated 30-10-2018 issued by the BDA stand quashed, *qua* the lands of the petitioner.
- (iii) We declare that Schedules-A and B properties would fall within the orders of the Apex Court, which had dropped several properties from acquisition, on the recommendation of the Committee *qua* identical lands. We therefore declare that the properties/Schedules-A and B stand dropped from acquisition.

**Sd/-  
(KRISHNA S DIXIT)  
JUDGE**

**Sd/-  
(M.NAGAPRASANNA)  
JUDGE**