



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF APRIL, 2025

PRESENT

THE HON'BLE MR JUSTICE KRISHNA S DIXIT

AND

THE HON'BLE MR JUSTICE RAMACHANDRA D. HUDDAR

WRIT PETITION NO. 11301 OF 2025 (KLGP)

BETWEEN:

SRI B K BHASKAR
S/O LATE B.M.KALLAPPA,
AGED ABOUT 85 YEARS,
R/AT NO.19, 3RD CROSS, BEML, 3RD STAGE,
SUDARSHAN LAYOUT, GOTTIGERE,
RAJARAJESWARINAGAR, BENGALURU-560 098.

...PETITIONER

(BY SRI. VIVEK REDDY., SENIOR COUNSEL A/W
SRI. SUDARSHAN L., ADVOCATE FOR
SRI.V SRINIVAS., ADVOCATE)

AND:

1. SRI. S M BALAJI,
S/O MUNIYAPPA SM,
AGED ABOUT 43 YEARS,
R/AT NO. 51, SONNAPPANAHALLI VILLAGE,
BETTAHALASURU POST, JALA HOBLI,
YELAHANKA TALUK,
BENGALURU URBAN DISTRICT,
BENGALURU-562 157.
2. THE TAHASILDAR,
YELAHANKA TALUK, YELAHANKA,
ENGALURU URBAN DISTRICT,
BENGALURU- 560 064.
3. THE CHIEF OFFICER,
TOWN MUNICIPAL COUNCIL,
HUNASEMARANAHALLI, JALA HOBLI,



YELAHANKA TALUK, BENGALURU URBAN DISTRICT,
BENGALURU-562 157.

...RESPONDENTS

(BY SRI.B RAVINDRANATH.,AGA FOR R2;
NOTICE TO R1 & R3 IS D/W V.C.O DATED 29.04.2025)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA, PRAYING TO A) ALLOW THIS WRIT PETITION BY QUASHING THE COMPLAINT FILED UNDER SECTION 9(1) OF THE KARNATAKA LAND GRABBING PROHIBITION ACT, 2011 BEFORE THE COURT OF THE LAND GRABBING PROHIBITION SPECIAL COURTS, AT BENGALURU (COURT HALL-1) IN L.G.C(P) NO.430/2022, FOR THE OFFENCES UNDER 4(3) AND 5 OF THE KARNATAKA LAND GRABBING PROHIBITION ACT, 2011, PRODUCED IN THIS WRIT PETITION AT ANNEXURE-A IN THE INTERST OF JUSTICE AND ETC.,

THIS WRIT PETITION, COMING ON FOR ORDERS THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR JUSTICE KRISHNA S DIXIT
AND
HON'BLE MR JUSTICE RAMACHANDRA D. HUDDAR

ORAL ORDER

(PER: HON'BLE MR JUSTICE KRISHNA S DIXIT)

Petitioner is knocking at the doors of Writ Court for assailing the proceedings in LGC(P)No.430/2022 pending on the file of Special Court for offences punishable under Sections 4(3) & 5 of the Karnataka Land Grabbing Prohibition Act, 2011.

2. Learned counsel for the petitioner on the instruction of his client present in the court submits that, regardless of the pleadings, his client who is an



octogenarian, is suffering from age related ailments and that he has lost one of his sons; by mistake, he had withdrawn a sum of Rs.1,30,19,772/- (Rupees One Crore Thirty Lakhs Nineteen Thousand Seven Hundred and Seventy Two only) way back in the year 2011-12 as the compensation for the land acquired, though the land did not belong to him; however, petitioner wants to buy peace and therefore, he undertakes to repay the entire amount along with interest at the rate of 8 % per annum reckoned from the date the amount was received; therefore, the proceedings impugned herein be quashed.

3. To test the bonafide of petitioner, this Court vide interim order dated 25.4.2025 had said as under:

" Issue of maintainability is overruled.

Issue Emergent Notice to respondent Nos.1 & 3. Learned AGA is requested to accept notice for respondent No.2.

Interim order staying all further proceedings in LGC No.430/2022 is granted till next date of hearing.

Learned counsel for the petitioner undertakes to the court on instructions of his client that petitioner shall deposit in the Registry of this court the entire compensation amount of Rs.1,30,19,772/- (Rupees One Crore Thirty Lakh Nineteen Thousand Seven Hundred & Seventy Two) only, as under:



[i] Rs.25,00,000/- (Rupees Twenty Five Lakh) only, by Bank Draft before Sun set of the day;

[ii] Rs.75,00,000/- (Rupees Seventy Five Lakh) only, by Bank Draft on 28.4.2025 before sun set;

[iii] Rs.30,19,772/- (Rupees Thirty Lakh Nineteen Thousand Seven Hundred & Seventy Two) only, by Bank Draft before 1.30 p.m on 29.4.2025.

In the event the above undertaking is not complied with, the Commissioner of Police, Bangalore City, is directed to arrest & produce the petitioner before this Court in the afternoon session on 29.4.2025.

Petitioner is restrained from alienating or encumbering any of his properties, both movable & immovable, without the leave of this court.

This peculiar order is made on the submission of learned counsel for the Petitioner that his client has taken the compensation amount by mistake since his name figured in the land acquisition proceedings wrongly as the owner of the land though he is not.

Registry to send a copy of this order to the Commissioner of Police, Bangalore City, for information and needful action, immediately by dasti, by Speed Post and by e-mail.

Call this matter on 29.4.2025 at 2.30 p.m."



4. Petitioner along with his counsel appeared today and said that in terms of above interim order dated 25.4.2025, he has already deposited in the Registry of this court a sum of Rs.1,30,19,772/- with the Registry of this court by bank drafts. A Memo dated 29.4.2025 is also filed to the effect that petitioner would pay simple interest at the rate of 8% per annum on the said sum reckoned from the date the amount was received from him and deposit the same in the Registry on or before 10.5.2025.

5. Petitioner has filed a Memo dated 29.4.2025 which reads as under:

"The petitioner undertakes to pay interest at 8% P.A. on a sum of Rs.1,30,19,772/- which is one crore forty five lakhs six thousand only (1,45,06,000/-) on or before 10/5/25, and the undertaking may kindly be recorded, in the interest of justice & equity. The same shall be reckoned from the day it is drawn."

[Language of the Memo is not satisfactory although its intent & content are intelligible].

6. Learned AGA having opposed the petition for sometime, now fairly agrees with the proposal of this court that regard being had to the old age of the petitioner, the ailments natural to such age, and also death of his son, be accepted so that State will get back its entire amount along with 8 % interest. He puts a condition that should



the petitioner fail to adhere to the undertaking as given above, the impugned proceedings should revive and that petitioner would not be entitled to take back the money deposited in the Registry of this Court. He also submits that the Registry be directed to send the amount deposited by the petitioner to the State Exchequer/Treasury at the earliest. With all this, petitioner is also agreeable.

In the above circumstances, this petition is allowed; a Writ of Certiorari issues quashing the proceedings in LGP(P) No.430/2022 pending on the file of the Karnataka Land Grabbing Prohibition Special Court at Bengaluru.

Call this matter only for the limited purpose of reporting compliance on 2.6.2025.

Costs made easy.

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

**Sd/-
(RAMACHANDRA D. HUDDAR)
JUDGE**

SK/cbc

List No.: 1 Sl No.: 44