



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 28TH DAY OF JANUARY, 2026

PRESENT

THE HON'BLE MR. JUSTICE M.I.ARUN

AND

THE HON'BLE MR. JUSTICE B. MURALIDHARA PAI

WRIT APPEAL NO. 100170 OF 2022 (LA-UDA)

BETWEEN:

BELAGAVI URBAN DEVELOPMENT AUTHORITY,
BELAGAVI, ASHOK NAGAR, BELAGAVI,
R/BY IT'S COMMISSIONER.

... APPELLANT

(BY SRI G.I. GACHCHINAMATH, ADVOCATE)

AND:

1. SHRI MADAN DATTARAM DESHPANDE,
AGE. 48 YEARS, OCC. AGRICULTURE,
R/O. "SATERI NIVAS", G-2, CTS O-456/E,
OPP. VACCINE DEPO GERUND,
TILAKWADI, BELAGAVI,
TAL. AND DIST. BELAGAVI.

2. THE STATE OF KARNATAKA,
R/BY ITS PRINCIPAL SECRETARY,
URBAN DEVELOPMENT DEPARTMENT,
VIKAS SOUDHA, BENGALURU.

... RESPONDENTS

(BY SRI ANAND ASHTEKAR & SRI AKSHAY KATTI, ADVS. FOR R1;
SRI SHARAD V. MAGADUM, AGA FOR R2)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF
KARNATAKA HIGH COURT ACT, 1961, PRAYING TO SET ASIDE
THE ORDER PASSED BY THE LEARNED SINGLE JUDGE IN W.P.
NO.106540/2019 (LA-UDA) DATED 19.03.2021 BY ALLOWING
THIS APPEAL, IN THE INTEREST OF JUSTICE AND EQUITY.



THIS APPEAL IS COMING ON FOR ORDERS, THIS DAY,
JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: THE HON'BLE MR. JUSTICE M.I.ARUN
AND
THE HON'BLE MR. JUSTICE B. MURALIDHARA PAI

ORAL JUDGMENT

(PER: THE HON'BLE MR. JUSTICE M.I.ARUN)

A Preliminary notification under the provisions of Section 17(1) of the Karnataka Urban Development Authorities Act, 1987 was issued to acquire the lands belonging to respondent No.1 on 01.02.1996. Thereafter, no progress has taken place. This act of the State and the appellant-Urban Development Authority herein prevented respondent No.1 from utilizing his property as he deemed fit. Hence, on the said ground and also on the ground that there has been inordinate delay in completion of the acquisition process, because of which, it has to be set aside, the respondent No.1 preferred Writ Petition No.106540/2019 (LA-UDA). The said writ petition has been allowed and the endorsement dated 03.10.2018 issued by the appellant herein rejecting the request of respondent No.1 to utilize the land for the residential purposes has been set aside.



2. Aggrieved by the order passed in Writ Petition No.106540/2019 (LA-UDA), the present appeal is filed by the Urban Development Authority.

3. Though, the learned counsel for the appellant submits that the land may be acquired by the appellant in future for formation of a layout, he candidly admits that after 1996 no steps have been taken to complete the acquisition process of the land is concerned and presently, no notification has been issued in this regard. He also admits that subsequent to the notification dated 01.02.1996 further acquisition proceedings in respect of the land is concerned have been dropped. However, again in the year 2016, a resolution was passed to acquire the land concerned by the appellant, but no preliminary notification has been issued in this regard.

4. Admittedly, presently, there are no acquisition proceedings in respect of the land, which is subject matter of the appeal. Under the circumstances, it is for the owner of the land to utilize his property as he deems fit within the permissible limits of the law. It is not in dispute that the land can be utilized for the residential purposes, but for the intention of the appellant



to acquire the same, which has not fructified in issuance of any notification so far. Under the said circumstances, we do not find any error in the impugned order of the learned Single Judge.

5. For the aforementioned reason, the writ appeal is hereby dismissed.

**Sd/-
(M.I.ARUN)
JUDGE**

**Sd/-
(B. MURALIDHARA PAI)
JUDGE**

CKK
CT:BCK
LIST NO.: 1 SL NO.: 2