



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 6TH 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. 100538 OF 2024 (LA-KIADB)

BETWEEN:

THE SPECIAL LAND ACQUISITION OFFICER,
KARNATAKA INDUSTRIAL AREAS DEVELOPMENT
BOARD, (KIADB) OFF AT: P.B. ROAD,
DHARWAD-580 009.

... APPELLANT

(BY SMT. SHARMILA M. PATIL, ADVOCATE)

AND:

1. SHRI K. ASHOK KUMAR
S/O KARUNAKAR SHETTY,
AGE. 56 YEARS, OCC. BUSINESS,
R/AT: ASHWAMEDHA CASTLE,
KESHWAPUR, HUBBALLI,
DIST. DHARWAD-580 023,
(OWNER OF PLOT NO.18 TO 20
SITUATED AT SY.NO.587 K OF UNKAL VILLAGE,
HUBBALLI).
2. SMT. RESHMA
W/O ASHOK KUMAR KARUNAKAR SHETTY,
AGE. 51 YEARS, OCC. HOUSEHOLD,
R/AT: ASHWAMEDHA CASTLE,
KESHWAPUR, HUBBALLI,
DIST. DHARWAD-580 023,
(OWNER OF PLOT NO.23
SITUATED AT SY.NO.587 K OF UNKAL VILLAGE
HUBBALLI).



3. SHRI AMIT S/O ARVIND MANDAVKAR,
AGE. 43 YEARS, OCC. BUSINESS,
R/AT: NEHRU NAGAR, GOKUL ROAD,
HUBBALLI, DIST. DHARWAD-580 030,
(OWNER OF PLOT NO.21 TO 22 SITUATED
AT SY.NO.587 K OF UNKAL VILLAGE, HUBBALLI).
4. SHRI MADAN S/O HANUMAPPA MAKANNAVAR,
AGE. 73 YEARS, OCC. RETD. SERVANT,
R/AT: S.G. EKBOTE BUILDING,
2ND FLOOR, NAGALINGA NAGAR,
ANAND NAGAR ROAD, OLD HUBBALLI,
HUBBALLI, DIST. DHARWAD-580 024,
(OWNER OF PLOT NO.24 SITUATED AT
SY.NO.587 K OF UNKAL VILLAGE, HUBBALLI).
5. THE DEPUTY COMMISSIONER,
DHARWAD DISTRICT,
DHARWAD-580 009.
6. THE AIRPORT AUTHORITY OF INDIA,
REP. BY THE AIRPORT DIRECTOR,
OFF AT: AIRPORT ROAD, GOKUL
HUBBALLI, DIST. DHARWAD-580 024.

... RESPONDENTS

(BY SRI GOURI SHANKAR MOT, ADVOCATE FOR R1 TO R4;
SRI SHARAD V. MAGADUM, AGA FOR R5;
SRI MRUTYUNJAYA S. HALLIKERI, ADVOCATE FOR R6)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF KARNATAKA HIGH COURT ACT, 1961, PRAYING TO SET ASIDE THE ORDER DATED 11.03.2024 PASSED BY THE LEARNED SINGLE JUDGE IN WRIT PETITION NO.104703/2022 BY ALLOWING THIS WRIT APPEAL AND ETC.

THIS APPEAL IS COMING ON FOR PRELIMINARY HEARING, 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)

1. Aggrieved by the order passed in Writ Petition No.104703/2022 (LA-KIADB), respondent No.1 therein has preferred this appeal.

2. Certain lands have been acquired through the appellant-Karnataka Industrial Areas Development Board (for short, 'the KIADB') for the purposes of establishing Airport in Hubballi. Respondents No.1 to 4 are having sites abutting the land that has been acquired for the purposes of establishing Airport in Hubballi. The only road through which respondents No.1 to 4 had access to their sites is part of the acquisition and the compound wall of the Airport is constructed on the said road. It has resulted in an anomalous situation, wherein the respondents No.1 to 4 have no access to their sites. Hence, they made a representation to the authorities concerned to either acquire their sites or shift the compound wall by a few meters so that there can be an access to their sites. The 6th respondent/Airport Authority of India has refused to shift the



compound wall on the ground that it will hamper the operations of the Airport adversely and the same cannot be done.

3. Normally, the acquisition authority cannot be directed to acquire a land, which is not required by it. However, the land looser or the acquiring authority is required to compensate the owner of the property whose lands have been adversely affected due to such acquisition. In the instant case, as admitted by all the parties to the *lis*, respondents No.1 to 4 are not in a position to utilize their property as the same cannot be accessed at all. Under the said circumstances, the acquiring authority is bound to compensate them for the loss suffered by them. It is for the acquiring authority to workout its remedies with the beneficiary for whose benefit the adjacent lands have been acquired. Any dispute between the acquiring authority and the beneficiary cannot justify the loss suffered by respondents No.1 to 4 in the instant case.

4. As the authorities concerned did not come forward to resolve the grievance of respondents No.1 to 4, they were constrained to file W.P. No.104703/2022.



5. Considering the fact that respondents No.1 to 4 (petitioners in W.P No.104703/2022) are not in a position to utilize their sites at all, as the same cannot be accessed due to the fact that the only access road they had, has been presently acquired for the purposes of respondent No.6 and that a compound wall has been built on the said road and in spite of respondents No.1 to 4 offering to bear the cost of shifting the compound wall so that they would have access to their sites, the 6th respondent herein refused to shift the same on the ground that it would affect the operations at Hubballi Airport, this Court has passed an order directing the appellant herein to acquire the lands/sites belonging to respondents No.1 to 4. Aggrieved by the same the present writ appeal has been filed.

6. The case of the appellant/KIADB is that it can acquire the land only when there is a beneficiary or if there is a requirement to form an industrial area as contemplated under the provisions of the Karnataka Industrial Areas Development Act. It is submitted in the instant case, certain lands have been acquired not for the formation of any industrial area or to provide any civic amenities to an industrial area, but only for the



purposes of respondent No.6/Airport Authority of India, for formation of the Hubballi Airport. It is further submitted that the lands of respondents No.1 to 4 have not been acquired, as the same is admittedly not required by the 6th respondent. It is submitted that the impugned order of the learned Single Judge is erroneous because a direction has been issued to the appellant herein to compulsorily acquire the land belonging to respondents No.1 to 4 herein, which cannot be done. On the said ground, it is prayed that the impugned order be set aside and the writ petition filed by respondents No.1 to 4 be dismissed.

7. Per contra, learned counsel appearing for respondent Nos.1 to 4 justifies the impugned order and prays for dismissal of the appeal.

8. Learned counsel appearing for respondent No.6, the Airport Authority of India, submits that as per the agreement entered into between the State of Karnataka and the Airports Authority of India, it is for the State to provide the land required for the establishment of the airport free of cost. The Airports Authority of India had requested the land required for establishment of the airport, and the same has been acquired



and handed over to it. Accordingly, the Airports Authority of India has constructed a compound wall. It is further submitted that the consequences of acquisition of the land, including payment of compensation, if any, have to be borne by the State, and respondent No.6 cannot be burdened with the same.

9. The question that arises for consideration is whether under the given peculiar facts and circumstances of the case, the order passed by the learned Single Judge can be sustained?

10. It is a well-settled principle of law that, under normal circumstances, the acquiring authority cannot be directed to acquire land which is not required by it. However, as already observed above, any party, irrespective of whether its land has been acquired by the acquiring authority or not, if adversely affected by such acquisition, is entitled to have a civil cause of action against the acquiring authority.

11. In the instant case, the lands of respondent Nos.1 to 4 have been rendered useless due to the actions of the appellant and respondent No.6, for which they are required to be compensated. The right to property, though not a fundamental



right, is a Constitutional right under Article 300-A of the Constitution of India. Admittedly, the lands which are the subject matter of the dispute are seven individual sites, which had access through only one road and are otherwise landlocked. The said road has now been acquired for the purposes of Airports Authority and a compound wall has been constructed on the same.

12. Respondent Nos.1 to 4 are unable to utilize their lands because of the said reason. This is because of the actions of the appellant and respondent No.6. This is nothing but respondent Nos.1 to 4 being deprived of their right to use their property, for which they are entitled to be compensated. Any *inter se* dispute between the State or its agencies or authorities, either Central or Provincial, cannot justify the deprivation that respondent Nos.1 to 4 are made to suffer in respect of their property.

13. For that reason, given the peculiar facts and circumstances of the case, the appellant is either required to acquire the properties of respondent Nos.1 to 4 or to duly



compensate them for the deprivation suffered by them. Hence,
the following:

ORDER

- (i) The appellant is directed either to acquire the lands of respondent Nos.1 to 4, as ordered in W.P. No.104703 of 2022, or to determine and compensate the loss suffered by respondent Nos.1 to 4, in accordance with law.
- (ii) The aforesaid exercise shall be completed within a period of six months from today.
- (iii) If respondent Nos.1 to 4 are not satisfied with the compensation offered by the appellant, they are at liberty to seek enhancement of the same in the manner known to law.
- (iv) The appellant is granted liberty to proceed against respondent No.6 or any other authority concerned, as per their rights, if any, based on the contract that they might have entered into or otherwise in accordance with law.



- (v) The writ appeal stands ***disposed of*** accordingly.
- (vi) In view of disposal of the writ appeal, pending interlocutory applications, if any, do not survive for consideration and are accordingly disposed of.

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

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

CKK- paras 1 to 6
VNP- paras 7 till end
CT: BCK
LIST NO.: 1 SL NO.: 3.1