

**Reserved on : 08.07.2026  
Pronounced on : 11.09.2026**

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 11<sup>TH</sup> DAY OF SEPTEMBER, 2026**

**PRESENT**

**THE HON'BLE MR. JUSTICE D K SINGH**

**AND**

**THE HON'BLE MR. JUSTICE T.M.NADAF**

**WRIT APPEAL NO. 233 OF 2017 (LA-BDA)**

**BETWEEN:**

1. BANGALORE DEVELOPMENT AUTHORITY,  
BY ITS COMMISSIONER,  
KUMARA PARK WEST,  
T. CHOWDAIAH ROAD,  
BANGALORE - 560 020.  
REPRESENTED BY ITS  
SPECIAL ADDITIONAL LAND  
ACQUISITION OFFICER.
2. THE ADDITIONAL LAND  
ACQUISITION OFFICER,  
BANGALORE DEVELOPMENT AUTHORITY,  
KUMARA PARK WEST,  
T. CHOWDAIAH ROAD,  
BANGALORE - 560 020.  
REPRESENTED BY ITS  
SPECIAL ADDITIONAL LAND  
ACQUISITION OFFICER

...APPELLANTS

(BY SRI. B VACHAN., ADVOCATE)

**AND:**

1. SRI. K.K. POONACHA  
SINCE DEAD BY LRS,

1(a). K. DECHU POONACHA,  
W/O LATE K.K. POONACHA,  
AGED ABOUT 78 YEARS,

1(b). K. NAVIN POONACHA,  
S/O LATE K.K. POONACHA,  
AGED ABOUT 51 YEARS,

1(c). K. MITHUN POONACHA,  
S/O LATE K.K. POONACHA,  
AGED ABOUT 43 YEARS,

ALL ARE R/AT OLYMPIC FARM,  
NAGADEVANAHALLI VILLAGE,  
Kengeri Hobli,  
Jnanabharathi Post,  
Bengaluru - 560 056.

2. THE STATE OF KARNATAKA,  
URBAN DEVELOPMENT DEPARTMENT,  
M.S. BUILDING,  
DR. B.R. AMBEDKAR VEEDHI,  
BANGALORE - 560 001.  
BY ITS SECRETARY

...RESPONDENTS

(BY SRI. S.H. RAGHAVENDRA, ADVOCATE FOR R2,  
SRI. UDAYA HOLLA, SR. ADVOCATE FOR  
SRI. D.C. DEEPAK, ADVOCATE FOR R1(A-C))

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE  
KARNATAKA HIGH COURT ACT, 1961, PRAYING TO SET ASIDE  
THE ORDER PASSED IN THE WRIT PETITION NO.58912/2014  
DATED:17.03.2016. AND DISMISS THE SAID WRIT PETITION  
AND ETC.,

THIS APPEAL HAVING BEEN HEARD AND RESERVED FOR JUDGMENT, COMING ON FOR PRONOUNCEMENT THIS DAY, JUDGMENT IS DELIVERED/ PRONOUNCED AS UNDER:

CORAM: HON'BLE MR. JUSTICE D K SINGH  
and  
HON'BLE MR. JUSTICE T.M.NADAF

**CAV JUDGMENT**

(PER: HON'BLE MR. JUSTICE T.M.NADAF)

The law on subsequent cause of action in view of amendment brought to the concerned Land Acquisition Act will not ensure to the benefit of a party whose rights once has been adjudicated and settled long before. This appeal by the BDA is an example of abuse of process of law, wherein the party litigant despite unsuccessfully reaching the Hon'ble Supreme Court again tested his contention on the ground of Section 24(2) under the new Act enacted with effect from 01.01.2014.

2. The contention now sought in the Writ Petition seeking of lapse of Scheme formulated by the BDA so also lapse under Section 24 has been answered by this Court as well as Hon'ble Supreme Court in catena of cases. This Court in catena of cases has held that, once the Scheme

which has been formulated by the BDA has been substantially executed on land acquired, a litigant cannot seek lapse of Scheme in respect of a small chunk of land which has been acquired belonging to him.

3. The lapse provided under Section 27 of the Bangalore Development Authority Act, 1976<sup>1</sup>, is in respect of the entire scheme and not in isolation. When a contiguous part substantially executed under the scheme, the lapse ground is not available to the party litigant. That apart, the contentions of the petitioner that in and around lands have been either de-notified or left from acquisition had already been considered by this Court in Writ Petition, Writ Appeal and up to Supreme Court in special leave petition and this fact is not in dispute by the petitioner.

4. So far as the new Act providing provisions seeking the lapse of the acquisition is not available to a party litigant who has already lost his case on the acquisition and the right has already been concluded. The Supreme Court in **INDORE DEVELOPMENT AUTHORITY**

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<sup>1</sup> "BDA Act" for short

**Vs. MANOHARLAL AND OTHERS<sup>2</sup>** case has clarified this situation which reads as under:

*"356. We are of the opinion that courts cannot invalidate acquisitions, which stood concluded. No claims in that regard can be entertained and agitated as they have not been revived. There has to be legal certainty where infrastructure has been created or has been developed partially, and investments have been made, especially when land has been acquired long back. It is the duty of the Court to preserve the legal certainty, as observed in Vodafone International Holdings BV v. Union of India. The land owners had urged that since the 2013 Act creates new situations, which are beneficial to their interests, the question of delay or laches does not arise. This Court is of the opinion that the said contentions is without merits. As held earlier, the doctrine of laches would always preclude and indolent party, who chooses not to approach the court, or having approached the court, allows an adverse decision to become final, re-agitate the issue of acquisition of his holding. Doing so, especially in cases, where the title has vested with the State, and thereafter with the subsequent interests, would be contrary to public policy. In A.P. State Financial Corpn. v. Gar Re-Rolling Mills, this court observed that equity is always known to defend the law from crafty evasions and new subtleties invented to evade the law. There is no dearth of talent left in longing for the undue advantage of the wholesome provisions of Sections 24(2) on the basis of wrong interpretation."*

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<sup>2</sup> (2020) 8 SCC 129

5. Now coming to the case on hand, this intra Court appeal by the BDA calling in question the order dated 17.03.2016 in W.P.58912/2014 passed by the Writ Court. Under the impugned order, the Writ Court allowed the Writ Petition holding that, the Scheme insofar as land of the petitioner is concerned, lapsed not only under Section 27 of BDA Act, so also under Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

6. The parties are referred to as per their ranking before the Writ Court.

7. Facts in brief, leading to file the present appeal are as under:

7.1 Respondent Nos.2 and 3 are in this intra Court appeal. A Preliminary Notification came to be issued on 19.01.1989, proposing to acquire land including the land of petitioner herein in Sy.No.108 of Nagadevanahalli Village, Bengaluru South Taluk, for the purpose of a scheme for formation of

Jnanabharthi layout, followed by a Final Notification dated 19.01.1994. Several writ petitions were filed calling in question the Final Notification which came to be allowed on 07.10.1996, where under the Final Notification was set aside and BDA was directed to reconsider the objections filed by the land losers.

7.2 On 03.10.1997, the Government sanctioned scheme under Section 18(3) of BDA Act. The BDA thereafter issued Final Notification on 06.10.1997. Respondent No.1 herein i.e., the original petitioner Late K.K.Poonacha filed W.P.No.35430/1997, challenging the Final Notification dated 06.10.1997. At the first instance this Court on 11.12.1997 in the writ petition passed an interim order of status quo with regard to nature of possession in respect of land belonging to the original petitioner.

7.3 An award came to be passed by Additional Land Acquisition Officer on 12.01.1998. The writ petition which was filed by the original petitioner K.K.Poonacha in W.P.No.35403/1997 was partly

allowed, permitting issuance of fresh declaration under Section 19(1) of the BDA Act. Being not satisfied with the order passed by the Writ Court, the respondent was in appeal in W.A.No.4951/1998, calling in question the order passed by the Writ Court in W.P.No.35403/1997. The Co-ordinate Bench of this Court dismissed the writ appeal on 24.03.1999. The BDA once again issued Final Notification on 07.10.1999.

- 7.4 On 15.11.1999, the original petitioner K.K.Poonacha filed his reply to the notice issued by the BDA under Section 9 and 10 of the Land Acquisition Act, requesting the BDA that the acquisition proceedings be kept on hold, as he intends to challenge the Final Notification. The petitioner filed W.P.No.4182/2000, calling in question the Final Notification on 04.02.2000. The Writ Court passed an interim order on 15.02.2000, in respect of dispossessing from the land of concerned writ petitioner therein. The Additional Land Acquisition Officer passed an award

on 24.04.2000. The writ petition which was filed in W.P.No.4182/2000 was dismissed on 02.07.2002 by the Writ Court, which was challenged by the original petitioner K.K.Poonacha in W.A.No.4687-4688/2002. The writ appeal filed by the original petitioner was connected along with other writ appeals starting from W.A.Nos.468-4682/2002 and other matters.

7.5 The Co-ordinate Bench of this Court on 14.02.2003, upholding the order passed by the learned Single Judge, in the respective writ petitions dismissed the appeals and the reasons assigned by the Co-ordinate Bench are found in paragraph Nos.16 to 21, which reads as under:

*"16. We have also perused the original records placed before us and found that as per the earlier directions of this court dated 31.8.1998 the objections of the appellants and others were considered as discussed before filing of this appeal on 6.12.1999. The argument that the area all round the Appellants land has been left out from acquisition by deletion and the Appellant land was in a corner, cannot be a ground to quash the impugned Notification. So also the argument that after acquiring the land*

*the same was sold to the BWSSB for execution of treatment plant, cannot be a ground to interfere. The Learned Single Judge has considered and repelled the arguments in this behalf. The learned counsel for the appellants submitted that in other cases before the expiry of time for filing the objection, sanction was granted. To this learned counsel for the Respondent submitted that in those cases objections were not considered and the appellant cannot take advantage of the argument in the facts of the present case. As already discussed, in the instant case, objections have been considered, so this argument is not available and helpful for the appellant's to seek setting aside the notification in their cases.*

17. *Considering the other case viz., THE LAND ACQUISITION OFFICER C.I.T. BANGALORE Vs. H.NARAYANIAH (AIR 1976 SC 2403), the Apex Court on the question of compliance of Rule 27 of Order 41 of C.P.C. observed.*

*The Karnataka High Court had, however, not complied with provisions of Order 41, Rule 27 of the C.P.C which require that an appellate Court should be satisfied that the additional evidence is required to enable them either to pronounce Judgment or for any other substantial cause. It has recorded no reasons to show that it had considered the requirements of Rule 27, Order 41 of the C.P.C. We are of the opinion that the*

*High Court should have recorded its reasons to show why it found the admission of such evidence to be necessary for some substantial reason. And if it found it necessary to admit it an opportunity should have been given to the appellant to rebut an interference arising from its existence by leading other evidence".*

18. *In Motor General Traders Case (supra) the validity of section 32(b) of the A.P.Buildings (Lease, Rent and Eviction) Control Act (15 of 1960) which exempted all buildings constructed on and after 26.8.1975 from the operation of the Act was challenged. Their Lordships, on consideration held that above provision was violative of the Article 14 of the Constitution and observed as follows:*

*"30. After giving our anxious consideration to the learned arguments addressed before us, we are of the view that clause (b) of Section 32 of the Act should be declared as violative of Article 14 of the Constitution because the continuance of that provision on the statute book will imply the creation of a privileged class of landlords without any rational basis as the incentive to build which provided a nexus for a reasonable classification of such class of landlords no longer exists by lapse of time in the case of the majority of such landlords. There is no reason why after all these years they should not rational basis as the incentive to build which provided a nexus for a reasonable*

*classification of such class of landlords no longer exists by lapse of time in the case of the majority of such landlords. There is no reason why after all these years they should not be brought at par with other landlords who are subject to the restrictions imposed by the Act in the matter of eviction of tenants and control of rents".*

*The Appellants-Petitioners cannot take advantage of the above mentioned cases and the cases referred to in para 8, in the facts and circumstances of the present case as discussed above.*

19. *It is also seen that the acquisition of the proposed lands under different notifications other than those of appellants have already acquired and taken into possession, and layout has been formed. The learned counsel for the appellants has not been able to show as to how the acquisition of disputed lands is not in public interest and, therefore, they are not entitled for any relief as prayed for.*
20. *The Learned Single Judge after considering the respective arguments of the learned counsel, the statement of objections, materials on record and the case law has repelled the contentions of the appellants, by an elaborate order and has not interfered with the impugned notifications to acquire the disputed lands under the scheme. We find no error or illegality in the order of the*

*learned single Judge and the same does not call for any interference.*

21. *In view of what we have discussed above, we hold that the orders of the Learned Single judge passed in W.P.Nos.1179-80/2000 dated 2.3.2002 and other writ petitions following the said impugned order in these appeals do not suffer from any infirmity so as to call for any interference. Interim order granted in W.A.No.4681-82/2002 and other connected appeals staying dispossession of the property, if not already dispossessed, stands discharged."*

7.6 The original petitioner, K.K.Poonacha, assailed the order passed by this Court, unsuccessfully before the Supreme Court in Civil Appeal.No.730/2004 c/w No.737 to 752/2004. Before the Supreme Court, the validity of BDA Act, came to be challenged on the ground that it was not reserved for the consideration of the president and did not receive his assent as per the requirement of Article 31(3) of the Constitution of India. The Supreme Court, dismissing the appeal, has held that the Bangalore Development Authority Act, 1976<sup>3</sup> cannot be declared unconstitutional or

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<sup>3</sup> "Act of 1976" for short

void only on the ground that the same was not reserved for consideration of the President and did not receive his assent. Once Article 31 was repealed, the necessity of reserving the Act of 1976 for consideration of the President and his assent disappeared and the provisions contained therein automatically became effective and the three Judges Bench in **BONDU RAMASWAMY AND OTHERS V. BANGALORE DEVELOPMENT AUTHORITY AND OTHERS<sup>4</sup>** rightly negated the challenge to its constitutionality. The decision rendered by the Hon'ble Supreme Court contained in paragraph Nos.47 to 53 which reads as under:

*"47. On the other hand, the purpose and object of BDA is to act as a Development Authority for the development of the city of Bangalore and areas adjacent thereto. The Preamble of the BDA Act describes it as "an Act to provide for the establishment of a Development Authority for the development of the city of Bangalore and areas adjacent thereto and for matters connected therewith". The development contemplated by the BDA Act is "carrying out of building, engineering, or other*

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<sup>4</sup> (2010) 7 SCC 129

*operations in or over or under land or the making of any material change in any building or land and includes redevelopment" [vide Section 2(j) of the BDA Act]. Therefore, the purpose is to make layouts, construct buildings or carry out other operations in regard to land.*

*48. Municipalities are not concerned with nor entrusted with functions similar to those entrusted to BDA under the BDA Act, that is, building, engineering or other operations by forming layout of plots with all amenities, construction of houses and apartments, as a part of any scheme to develop a city. Municipalities are concerned with the overall economic development providing social justice (urban poverty alleviation and slum improvement) regulating land use and constructions, providing amenities (roads, bridges, water supply, fire services, street lighting, parking, bus-stops, public conveniences), promoting education and culture, etc. Neither urban town planning nor regulation of land use and construction, is similar to the "development" as contemplated in the BDA Act, that is, carrying out building, engineering operations in or over or under land. It would thus be seen that the object and functions of a Municipal Corporation are completely different from the object and purpose of a Development Authority like BDA. BDA is not a municipality. Therefore, it cannot be said that mere existence of the Municipal Corporations Act, duly amended to bring it in conformity with Part IX-A of the Constitution, will nullify or render redundant, the BDA Act.*

*49. Article 243-ZE no doubt provides that there shall be constituted in every metropolitan area, a Metropolitan Planning Committee to prepare a draft*

*development plan for the metropolitan area as a whole. The metropolitan area is defined in clause (c) of Article 243-P as an area having a population of ten lakhs or more comprised in one or more districts and consisting of two or more municipalities or panchayats or other contiguous areas specified by the Governor by a public notification to be a metropolitan area for the purpose of Part IX-A. The Bangalore Development Authority is constituted inter alia to draw up a detailed scheme for the Bangalore Metropolitan Area. The Bangalore Metropolitan Area is defined in Section 2(c) of the BDA Act and the said definition need not necessarily be the same as or equivalent to any metropolitan area declared with reference to Bangalore under Article 243-P(c) of the Constitution.*

*50. It was submitted before the High Court that the Governor had not issued any public notification specifying any area as metropolitan area, with reference to Bangalore City. Further the declaration of metropolitan area by the Governor, as provided in clause (c) of Article 243-P is specifically with reference to the law relating to municipalities.*

*51. The Bangalore Metropolitan Area as defined in the Bangalore Development Authority Act is only for the purpose of development i.e. development by way of building or engineering operations in or over or under land. Therefore neither the provision defining "metropolitan area" in Article 243-P(c) nor the provision for constitution of a Metropolitan Planning Committee for preparing a draft development plan for such metropolitan area under Article 243-ZE has any relevance or bearing to*

*the Bangalore Metropolitan Area with reference to which BDA has been constituted.*

*52. Next contention urged by the appellants is that in pursuance of a Article 243-ZE, the KMC Act has been amended inserting Section 503-B providing for constitution of a Metropolitan Planning Committee for preparing a draft development plan for the Bangalore Metropolitan Area and therefore the Bangalore Development Authority can no longer function as an authority for development of metropolitan area, nor can it draw development schemes therefor. Development scheme to be drawn up by the BDA for development of Bangalore Metropolitan Area is specific i.e. acquisition of land, laying out or relaying plots, formation of roads, construction of buildings, providing drainage, water supply and electricity and allot them to members of the public.*

*53. On the other hand, the development plan for the metropolitan area as a whole, to be prepared by the Metropolitan Planning Committee constituted under the KMC Act involves making a plan for overall development with reference to the various functions enumerated in the Twelfth Schedule, that is, plans for economic and social justice, planning for economic and social development, slum improvement and upgradation, urban poverty alleviation, and providing several urban amenities and facilities referred to in the Twelfth Schedule. It would thus be seen that the "development scheme" formulated for Bangalore Metropolitan Area by BDA has nothing to do with a "development plan" that has to be drawn by a municipality or by the Metropolitan Planning Committee."*

7.7 A notice under Section 12(2) came to be issued in the interregnum under the Land Acquisition Act, 1984 by the BDA on 26.03.2003.

7.8 The petitioner again tested his contention on the new cause of action availed under Section 24 (2) of Act, 2013 as well as Section 27 of BDA Act, seeking lapse of acquisition in the present writ petition subsequent to repeal and enactment of Land Acquisition Act with new name as LARR Act, 2013 with effect from 01.01.2014, taking shelter under Section 24 of the Act of 2013. The BDA-respondent Nos.2 and 3 before the Writ Court filed its statement of objections denying the claim and particularly at paragraph Nos.5 and 6 stated as under:

*"5. Notwithstanding the contention raised by the petitioner the lands were acquired in Sy.No.108 of Nagadevanahalli Village, Kengeri Hobli, Bangalore South Taluk along with other lands for the formation of Gnanabharathi Layout. It is also relevant hereto state that the Preliminary Notification was issued on 19.01.1989 vide its No.BDA/ALAO/A3/139/88-89 and after following due process of law, the final notification was issued on 19.01.1994 vide No.HUD/483/MNX/91. Thereafter, the*

*award was passed on 10.05.2000 and after following due process of law the mahazar was drawn and the possession was taken under Sec. 16 of the Land Acquisition Act, 26.03.2003 and on the same day the possession was also handed over to the Engineering Section for the formation of Gnanabharthi Layout. Thereafter, the Notification under Sec. 16(2) was also issued on 24.08.2006 and it is crystal clear that the entire land vest with the B.D.A.*

*6. It is submitted that the acquisition proceedings have been carried out in accordance with the provisions contained in the Bangalore Development Authority 1976. The same is done in a scientific manner keeping the overall implementation of the scheme in mind. The deletion of land proposed is for valid and sound reasons as recorded in the note and the said deletions cannot confer any right of the petitioner."*

7.9 The Writ Court upon consideration of pleadings as well as arguments held that no material is produced in support of the contention of the BDA, that the BDA has already taken possession of the land except referring to the Notification issued under Section 16(2) of the Land Acquisition Act, 1984. The Writ Court has held that the law is well settled that if the land owner is deprived of his valuable land, the same is required to be proved by actual physical

possession being taken and in the absence of any concrete material having been produced by the BDA to show that the possession has been indeed taken. The Writ Court was of the opinion that the scheme would have lapsed. Accordingly, considering the order passed in other writ petitions, the Writ Court proceeded to hold that the provisions of Right to Fair Compensation and Transparency in Land Acquisition (Rehabilitation and Resettlement) Act, 2013 would be applicable to BDA Act and therefore in terms of Section 24(2) of the Act, 2013, not only the scheme has lapsed in terms of Section 27 of the BDA Act, the acquisition itself would lapse under Section 24(2) of the Act, 2013. It is this order passed by the Writ Court is called in question in this appeal.

8. Heard Sri.B.Vachan, learned counsel appearing for the appellant-BDA, Sri.S.H.Raghavendra, learned Additional Government Advocate for respondent No.2 and Sri.Udaya Holla, learned Senior counsel assisted by

Sri.D.C.Deepak, learned counsel for respondent Nos.1(a to c).

9. The BDA has contended that in view of settled position of law, the writ petition is not maintainable on both the counts i.e., on lapse of scheme under Section 27 of the BDA Act, as well as lapse of acquisition under Section 24(2) of the Act, 2013. He submits that the law is now very well settled that once the Scheme has been substantially implemented, it is not open for a party litigant to claim lapse of Scheme under Section 27 of the BDA Act, in respect of his particular land in isolation. Further, he submits that in view of law laid down by the Supreme Court in **INDORE DEVELOPMENT AUTHORITY** supra, once the acquisition proceedings between the party has reached its logical end and concluded, the same is not permissible under law to open on new cause of action merely on the basis of some amendment brought to the Act and in view of entire history stated supra once the acquisition having been found lawful by the Co-ordinate Bench in between the parties litigating in the present

proceedings as lawful and all the contentions which they have taken been negated, it is not open for the party to again reopen the settled dispute on new cause of action and sought to dismiss the writ petition.

10. In contrast, Sri.Uday Holla, learned Senior Counsel submits that the sketch produced along with a memo dated 04.03.2026 clearly shows that the only land of the petitioner is considered for acquisition whereas other land in and around have either been de-notified or left from acquisition. The original petitioner was an Ex-serviceman, constructed a house and living along with his family and doing a Poultry Farm business on the said land for his livelihood. He has invested his hard earned money in the land while purchasing and constructing the house and the business carried thereon. In that view of the matter, the order passed by the learned Single Judge does not call for any interference, since the acquisition lapsed under Section 27 of the BDA Act, not only in view of continuing possession of the property by the petitioner despite the Notification issued for acquiring land till date,

but also the acquisition proceedings itself lapsed under Section 24(2) of Act of 2013 and hence, sought to dismiss the appeal.

11. Having considered the rival submissions, we have perused the entire writ appeal paper.

12. It is not in dispute that the Notifications were issued acquiring the land which the petitioner unsuccessfully carried up to the Supreme Court in Special Leave Petition, in the year 2010. The award has been passed and possession has been taken. Though the petitioner claims that he is in possession by constructing a house in the property long before the acquisition of the property, there is no denial that these contentions have already been raised before this Court in the earlier proceedings and have been negated. The contentions that, in and around land, either have been de-notified or left from the acquisition are grounds no more available, in view of earlier proceedings wherein they were considered and negated. Now the new ground which has been raised,

required to be negated in view of settled position of law by this Court.

13. It is trite law that even if the scheme is said to be lapsed, however, the acquisition still holds good. The Supreme Court in **INDORE DEVELOPMENT AUTHORITY** supra has clearly held in categorical terms that, the dispute once settled between the party in the earlier proceedings, cannot be permitted to be reopened on a new cause of action merely on the ground of certain amendments brought or an Act with new provisions enacted. In that view of the matter, we find it very hard to accept the arguments advanced by learned Senior counsel. However, considering the fact that the petitioner has constructed his residential house and residing along with his family on the land, it is left to the BDA to consider to leave the residential house, if an application or representation is submitted by the petitioner under Section 38 of the BDA Act, so also in respect of the poultry farm which is said to be the only means of their livelihood.

14. We find more force in the argument advanced by the BDA and while setting aside the judgment and order passed the Writ Court dated 17.03.2016, we ***dispose of*** this Writ Appeal, with the observation afore at Paragraph No.13.

**Sd/-  
(D K SINGH)  
JUDGE**

**Sd/-  
(T.M.NADAF)  
JUDGE**

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