



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 9TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE S SUNIL DUTT YADAV

WRIT PETITION NO. 531 OF 2026 (LA-UDA)

BETWEEN:

1. CHIKKANNAMMA
W/O. LATE MALEGOWDA,
AGED ABOUT 82 YEARS,
R/AT: #129, KERGALLI GRAMA,
BADAGALAHUNDI, JAYAPURA HOBLI,
KERGALLI POST, MYSORE TALUK,
MYSORE 570026.

...PETITIONER

(BY SMT. KUSUMA M., ADVOCATE)

AND:

1. STATE OF KARNATAKA
REPRESENTED BY ITS SECRETARY,
DEPARTMENT OF HOUSE AND URBAN,
M.S. BUILDING,
BANGALORE - 560001.
2. MYSORE URBAN DEVELOPMENT AUTHORITY
JHANSI LAKSHMI BAI ROAD,



MYSORE 570005.
BY ITS COMMISSIONER,

3. SPECIAL LAND ACQUISITION OFFICER
MYSORE URBAN DEVELOPMENT AUTHORITY,
JHANSI LAKSHMI BAI ROAD,
MYSORE 570005.

...RESPONDENTS

(BY SRI.HARISHA.A.S, AGA FOR R1

SRI G.B.SHARATH GOWDA, ADVOCATE FOR R2 AND R3)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF
CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF
CERTIORARI OR ANY OTHER SIMILAR WRIT OR ORDER OR
DIRECTION, QUASHING PRELIMINARY NOTIFICATION DATED
15.7.1997, BEARING NO. LAQ CR (1) PR 38/97-98 ISSUED BY
THE 2ND RESPONDENT AUTHORITY AT ANNEXURE-A TO THE
WRIT PETITION IN SO FAR AS SCHEDULE PROPERTY
BELONGING TO THE PETITIONER IS CONCERNED AND ETC.,

THIS PETITION, COMING ON FOR PRELIMINARY
HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:



CORAM: HON'BLE MR. JUSTICE S SUNIL DUTT YADAV

ORAL ORDER

Petitioner has challenged the Preliminary Notification dated 15.07.1997 and has also in the alternative sought for a declaration to the effect that the land acquisition proceedings initiated pursuant to the Preliminary Notification of 15.07.1997 has lapsed.

2. Learned counsel for respondent Nos.2 and 3-MUDA submits that he has filed a memo along with the Final Notification. He submits that though land bearing No.96/1 was mentioned in the Preliminary Notification, in the Final notification issued under Section 19(1) and (2) of the Karnataka Urban Development Authorities Act, 1987, the property is left out.

3. It is to be observed that insofar as the identical notification, this Court in W.P.No.1881/2026 has set aside the proceedings for acquisition declaring that the land acquisition proceedings have been abandoned as no steps were taken pursuant to the Preliminary Notification dated 15.07.1997.



Observations made in W.P.1881/2026 at paragraph Nos.4 and

5 read as follows:

"4. It is to be noted that it is admitted that there was a preliminary notification dated 15.07.1997, the further fact that though final notification is passed, it does not contain the survey number of the petitioner's land, is also not controverted by the respondent. If that were to be so, inaction of the authorities in proceeding further to the preliminary notification passed way back in the year 1997 could be construed, as the respondent authority has abandoned the acquisition proceedings. The order passed in W.P.No.14302/2021 also deals with an identical factual circumstance and the observations made therein are noted.

5. Accordingly, it is hereby declared that the preliminary notification insofar as the petitioner's land in Survey No.2, measuring an extent of 1.22 acres situated at Keragalli Village, Jayapura Hobli, Mysore Taluk and District, more fully described in the schedule has been abandoned."

4. In light of the present petition relates to the same notification, it would be appropriate to dispose of the writ petition observing that the property does not find a mention in the Final Notification. As the preliminary notification is of the year 1997, it could be declared that the proceedings, insofar as the petitioner is concerned, could be construed to have been abandoned.



5. In light of non-taking of any steps, though land was notified in the year 1997, the Preliminary Notification could be set aside.

6. Accordingly, petition is ***disposed of.*** The Preliminary Notification, insofar as the petitioner's property, is set aside..

SD/-
(S SUNIL DUTT YADAV)
JUDGE