



CNR: KAHC010068632016

NC: 2026:KHC:35997
WP No. 33014 of 2016
C/W WP No. 11902 of 2016
WP No. 31700 of 2016
AND 1 OTHER

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 15TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE R. NATARAJ

WRIT PETITION NO. 33014 OF 2016 (LA-BDA)

C/W

WRIT PETITION NO. 11902 OF 2016 (LA-BDA)

WRIT PETITION NO. 31700 OF 2016 (LA-BDA)

WRIT PETITION NO. 34106 OF 2016 (LA-BDA)

IN WP No. 33014/2016

BETWEEN:

SMT. MANJULA
W/O LATE S. KUMAR
AGED ABOUT 43 YEARS
R/AT NO.14, 12TH B CROSS,
VAYALIKAVAL, MALLESHWARAM,
BANGALORE-560 003

...PETITIONER

(BY SRI. N. SRIRAM REDDY, ADVOCATE)

AND:

1. THE COMMISSIONER
BANGALORE DEVELOPMENT AUTHORITY
T.CHOWDAIAH ROAD,
(BELLARY ROAD)
BANGALORE-560 020
2. THE SPECIAL LAND ACQUISITION OFFICER
BANGALORE DEVELOPMENT AUTHORITY,
T.CHOWDAIAH ROAD,
(BELLARY ROAD)
BANGALORE-560 020

Digitally
signed by
HEMALATHA J
Location:
HIGH COURT
OF
KARNATAKA



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AND 1 OTHER

3. SECRETARY
DEPARTMENT OF REVENUE
GOVERNMENT OF KARNATAKA
BANGALORE-1.

IMPLEADED AS PER THE
ORDER DATED 15.06.2016

...RESPONDENTS

(BY SRI. PRAVEEN KUMAR RAIKOTE, ADVOCATE FOR RESPONDENT
NOS.1 AND 2;

SMT. POOJA M. KOORSE, HIGH COURT GOVERNMENT PLEADER FOR
RESPONDENT NO.3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227
OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE
PRELIMINARY NOTIFICATION NO.BDA / COMMR / DC(LA) / ALAO /
158 / 2008-09 DATED 21.05.2008 ISSUED UNDER SECTION 17(1)
AND 3 OF THE BDA ACT ISSUED BY THE RESPONDENT NO.1 VIDE
ANNEXURE-A, SO FAR THE PETITIONER CONCERNED THE LAND SITE
BEARING NO.16, FORMED IN SY.NO.28 OF K.KRISHNA SAGARA,
Kengeri Hobli, BANGALORE SOUTH TALUK AND ETC.

IN WP NO. 11902/2016

BETWEEN:

1. SRI. R. SRINIVAS
S/O LATE RANGANAJAPPA B.R
AGED ABOUT 57 YEARS,
R/AT NO.179,
LAKSHMI NARASIMHA SWAMY TEMPLE ROAD
1ST CROSS, 1ST MAIN, 1ST FLOOR
BHUVANESHWARI NAGAR
R.T.NAGAR, BANGALORE-560 032
2. SRI. B.MUNIKUMAR
S/O LATE S.BOARAIHAH
AGED ABOUT 50 YEARS,



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R/AT NO.39, 6TH CROSS,
VASANTHAPPA BLOCK
GANGANAGAR
BANGALORE-560 032

3. SRI. S.NARASINGAPPA
S/O LATE SUBBARAJAPPA
AGED ABOUT 86 YEARS,
R/AT NO.51, BRINDAVAN LAYOUT,
4TH CROSS, KALABYRASANDRA,
R.T.NAGAR POST,
BANGALROE-560 032
4. SMT. ASHRAFUNNISA
W/O IQBAL AHMED
AGED ABOUT 62 YEARS
R/AT NO.133, 3RD FLOOR
DOOR NO.103, M.M.ROAD
FRAZER TOWN, BANGALORE-560 005
5. SMT. MAQBUL JAN
W/O MD. NOORULLA SHARIEF
AGED ABOUT 63 YEARS
R./AT NO.8EM 238,
8TH 'E' MAIN ROAD
HRBR I -BLOCK, BANASWADI,
BANGALORE-560 043

...PETITIONERS

(BY SRI. N. SRIRAM REDDY, ADVOCATE)

AND:

1. THE COMMISSIONER
BANGALORE DEVELOPMENT AUTHORITY
T.CHOWDAIAH ROAD
(BELLARY ROAD)
BANGALORE-560 020
2. THE SPECIAL LAND ACQUISITION OFFICER
BANGALORE DEVELOPMENT AUTHORITY
T.CHOWDAIAH ROAD
(BELLARY ROAD)
BANGALORE-560 020



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3. SECRETARY
DEPARTMENT OF REVENUE
GOVERNMENT OF KARNATAKA
VIDHANA SOUDHA
BANGALORE-1.

IMPLEADED AS PER THE
ORDER DATED 09.03.2016

...RESPONDENTS

(BY SRI. B.S.SACHIN, ADVOCATE FOR RESPONDENT NOS.1 AND 2)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE PRELIMINARY NOTIFICATION NO.BDA / COMMR / DC(LA) / ALAO / 158 / 2008-09, DATED 21.05.2008 ISSUED UNDER SECTION 17(1) AND 3 OF BDA ACT ISSUED BY THE RESPONDENT NO.1 AT ANNEXURE-A SO FAR THE PETITIONERS CONCERNED THE LAND SITES BEARING NOS. SITE NOS.13, 14, 94, 93, 62 AND 61 FORMED IN SY.NO.28 OF K. KRISHNA SAGARA, KENGERI HOBLI, BANGALORE SOUTH TALUK AND ETC.

IN WP NO. 31700/2016

BETWEEN:

1. SRI. SRIVASTA KUMAR
S/O LATE S NARAYAN,
AGED ABOUT 61 YEARS,
R/AT NO.12/1-12
2ND FLOOR, CANARA BANK ATM BUILDING,
DR. VISHNUVARDHAN MAIN ROAD,
UTTARAHALLI HOBLI,
BANGALORE-560 061
2. SMT. V. SAVITHA
W/O SRI JAYANTH BABU
AGED ABOUT 45 YEARS,
R/AT NO.12/1-12



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2ND FLOOR, CANARA BANK ATM BUILDING,
DR. VISHNUVARDHAN MAIN ROAD,
UTTARAHALLI HOBLI,
BANGALORE-560 061

3. SMT. V. SUMA
W/O SRI. SRIVASTA KUMAR
AGED ABOUT 48 YEARS,
R/AT NO.12/1-12
2ND FLOOR, CANARA BANK ATM BUILDING,
DR. VISHNUVARDHAN MAIN ROAD,
UTTARAHALLI HOBLI,
BANGALORE-560 061

...PETITIONERS

(BY SRI. N. SRIRAM REDDY, ADVOCATE)

AND:

1. THE COMMISSIONER
BANGALORE DEVELOPMENT AUTHORITY
T.CHOWDAIAH ROAD
(BELLARY ROAD),
BANGALORE-560 020
2. THE SPECIAL LAND ACQUISITION OFFICER
BANGALORE DEVELOPMENT AUTHORITY
T.CHOWDAIAH ROAD
(BELLARY ROAD),
BANGALORE-560 020
3. SECRETARY
DEPARTMENT OF REVENUE
GOVERNMENT OF KARNATAKA
BANGALORE-1.
(IMPLEADED AS PER THE
ORDER DATED 14.06.2016)

...RESPONDENTS

(BY SRI. B.S.KARTHIKEYAN, ADVOCATE FOR RESPONDENT NOS.1
AND 2;

SMT. POOJA M. KOORSE, HIGH COURT GOVERNMENT PLEADER FOR
RESPONDENT NO.3)



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IN WP NO. 34106/2016

BETWEEN:

SMT. C.V. PADMAVATHI
W/O SRI. B.KRISHNA MURTHY,
AGED ABOUT 57 YEARS,
R/AT NO.627, 9TH 'A' MAIN,
BHUVANESHWARINAGAR,
KATTRIGUPPE, BSK 3RD STAGE,
BANGALORE-560 085.

...PETITIONER

(BY SRI. N. SRIRAM REDDY, ADVOCATE)

AND:

1. THE COMMISSIONER
BANGALORE DEVELOPMENT AUTHORITY,
T.CHOWDAIAH ROAD,
(BELLARY ROAD)
BANGALORE-560 020.
2. THE SPECIAL LAND ACQUISITION OFFICER
BANGALORE DEVELOPMENT AUTHORITY,
T.CHOWDAIAH ROAD,
(BELLARY ROAD)
BANGALORE-560 020.



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AND 1 OTHER

3. UNDER SECRETARY
URBAN DEVELOPMENT DEPARTMENT,
DEPARTMENT OF REVENUE,
VIDHANA SOUDHA,
BANGALORE-560 001.

...RESPONDENTS

(BY SRI. B.S.KARTHIEKEYAN, ADVOCATE FOR RESPONDENT NOS.1
AND 2;

SMT. POOJA M. KOORSE, HIGH COURT GOVERNMENT PLEADER FOR
RESPONDENT NO.3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227
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158 / 2008-09 DATED 21.05.2008 ISSUED UNDER SECTION 17(1)
AND 3 OF THE BDA ACT ISSUED BY THE RESPONDENT NO.1 VIDE
ANNEXURE-A, SO FAR THE PETITIONER CONCERNED THE LAND
SITE BEARING NO.43, FORMED IN SY.NO.28 OF K.KRISHNA
SAGARA, KENGERI HOBLI, BANGALORE SOUTH TALUK AND ETC.

THESE PETITIONS, COMING ON FOR PRELIMINARY HEARING
IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE R. NATARAJ

ORAL ORDER

The petitioners in these petitions have called in question
the preliminary notification bearing
No.BDA/COMMR/DC(LA)/ALAO/158/2008-09 dated 21.05.2008
issued by respondent No.1 and the final notification bearing
No.UDD51/MNX/2010, dated 16.02.2010 published in



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Karnataka Gazette dated 18.02.2010 in respect of sites bearing Nos.16, 13, 14, 94, 93, 62, 61, 24, 103 and 43, formed in Sy.No.28 of K. Krishna Sagara, Kengeri Hobli, Bengaluru South Taluk.

2. All the petitioners contend that they have purchased the residential sites in the aforesaid survey number long prior to Sy.No.28 being notified for the purposes of formation of 'Nadaprabhu Kempegowda Layout'. They all contend that they have purchased sites with their savings and that they were not heard before the notifications were issued.

3. When these petitions were listed for "Preliminary Hearing - B Group", the learned counsel for the petitioners fairly submitted that a Co-ordinate Bench of this Court had quashed the notifications in respect of acquisition of land for formation of 'Nadaprabhu Kempegowda Layout' and thereafter, an appeal was preferred by the BDA in **W.A.No.1783/2014 and connected appeals [Bangalore Development Authority and another vs. Sri. R. Shankaran and others - 2024 SCC OnLine Kar 27144]** and that the Division Bench of this Court



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disposed off the appeals in terms of the judgment dated 22.02.2024 on the following terms:

"ORDER

i) *The above appeals filed by the BDA are allowed;*

ii) *The order dated 11.7.2014 passed by the learned Single Judge in WP No.32186/2010 and other connected writ petitions is set aside. The orders passed in writ petitions which are decided placing reliance on the order dated 11.7.2014 passed in WP No.32186/2010 and other connected writ petitions are also set aside;*

iii) *The preliminary notification bearing No.BDA/COMMR/DC(LA)/ALAO/158/2008-2009, Bangalore, dated 21.5.2008 and the final notification bearing No. UDD 51 MNX 2010, Bangalore, dated 18.2.2010 issued for acquisition of lands for the formation of the "Nadaprabhu Kempegowda Layout" are upheld subject to the following conditions:*

a) *With regard to the land owners (excluding the site owners):*

i) *All the land owners/writ petitioners who are seeking for dropping of their lands from acquisition on the ground that their lands are (1) nursery lands; (2)*



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situated within green belt; (3) totally built up; (4) that the buildings are constructed by religious/charitable educational institutions; (5) that similar adjoining lands have been either left out from acquisition or denotified, are permitted to make an application to the BDA seeking for dropping of their lands from acquisition by producing all such material that they deem fit/necessary in support of their applications within 3 months from today;

(ii) The BDA shall consider each of the said application/s keeping in mind the status of the lands as on the date of the preliminary notification and without taking into consideration any developments / improvements / constructions made subsequent to the preliminary notification;

iii) The BDA shall complete the exercise of considering the applications of the writ petitioners and deciding on the same within an outer limit of six months from today;

iv) The BDA, upon consideration of the applications shall intimate the writ petitioners about its decision;

v) If the BDA is of the opinion that the acquisition will have to be proceeded with, the BDA is at liberty to proceed further in accordance with law;



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b) Insofar as the site owners who have not made an application as contemplated in para (iii)(a) hereinabove:

i) They shall register themselves for allotment under the BDA (Allotment of Sites) Rules, 1984 within three months from today by paying the registration fee. However, payment of initial deposit by them is exempted. The necessary documents along with the said applications are also to be filed to enable the BDA to verify the same;

ii) The BDA shall treat the applicants as being entitled for priority allotment and allot each of them a site measuring 30x40 feet in the Nadaprabhu Kempegowda Layout at the prevailing allotment prices subject to the applicants satisfying the dual requirements of allotment under the Rules that they must be the residents of Bengaluru (for 10 years) and should not be owning any residential property in Bengaluru;

iii) In case the applicants/writ petitioners do not fulfill the requirements for allotment under the Rules, 1984 they may be considered for allotment of 20x30 feet sites as per the Bangalore Development Authority (Incentive Scheme for Voluntary Surrender of Land) Rules, 1989;



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c) Insofar as the owners of residential sites who form part of a layout and who have sought for dropping their lands from acquisition in accordance with para (iii)(a) hereinabove, the BDA shall consider the same having regard to the observations made at para 66 hereinabove. If the BDA rejects their applications, the site owners who have first filed applications pursuant to para (iii)(a) hereinabove, shall be entitled to a further period of one month after the decision as contemplated therein is intimated to opt to and apply in the manner as contemplated in para (iii)(b) hereinabove.

iv) Till the aforesaid exercise directed to be undertaken by the BDA and the applications filed by the writ petitioners, either for allotment of sites or for dropping of the lands from acquisition are considered, their possession shall not be disturbed and the existing construction shall not be demolished.

v) In view of the allowing of the above appeals, pending interlocutory applications, if any, stand disposed of.

No costs."

4. Learned counsel for the petitioners therefore, prays that the petitioners be also extended the same benefit and that they be permitted to register themselves and file appropriate



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applications seeking allotment of alternate site under the Bangalore Development Authority (Incentive Scheme for Voluntary Surrender of Land) Rules, 1989 and for allotment of sites under Bangalore Development Authority (Allotment of Sites) Rules, 1984.

5. Learned counsel for the respondents does not dispute the above contentions.

6. In that view of the matter, these petitions are ***allowed in part*** and disposed off on similar lines as in ***W.A.No.1783/2014 and connected appeals [Bangalore Development Authority and another vs. Sri. R. Shankaran and others - 2024 SCC OnLine Kar 27144]***, referred supra. As a result, the petitioners shall make application as contemplated in the judgment of the Division Bench in ***W.A.No.1783/2014 and connected appeals [Bangalore Development Authority and another vs. Sri. R. Shankaran and others - 2024 SCC OnLine Kar 27144]***, within three months from the date of receipt of a certified copy of this Order. The respondent - BDA shall proceed to consider the request of the petitioners in accordance with law and as



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directed by the Division Bench of this Court vide judgment dated 22.02.2024 passed in ***W.A.No.1783/2014 and connected appeals [Bangalore Development Authority and another vs. Sri. R. Shankaran and others - 2024 SCC OnLine Kar 27144]***.

7. Until consideration of the applications, the respondent Nos.1 and 2 shall not disturb the possession of the petitioners in the sites purchased by them, if not already dispossessed.

**Sd/-
(R. NATARAJ)
JUDGE**

PMR
List No.: 1 Sl No.: 39