



CNR: KAHC010021262014

NC: 2026:KHC:39226-DB
WA No. 2310 of 2014

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IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF JULY, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

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

WRIT APPEAL NO. 2310 OF 2014 (LA-UDA)

BETWEEN:

1. SRI. KANTHA,
AGED ABOUT 57 YEARS,
S/O LATE MANDA @ THAMMAIAH,
R/O MODALAHALLY VILLAGE,
NAGAMANGALA TALUK,
MANDYA DISTRICT - 570 021.
2. SRI. VENKATESHA,
AGED ABOUT 30 YEARS,
S/O KANTHA,
R/O MODALAHALLY VILLAGE,
NAGAMANGALA TALUK,
MANDYA DISTRICT - 570 021.
3. SRI. MURTHY,
AGED ABOUT 26 YEARS,
S/O KANTHA,
R/O MODALAHALLY VILLAGE,
NAGAMANGALA TALUK,
MANDYA DISTRICT - 570 021.
4. SRI. RAVI,
AGED ABOUT 22 YEARS,
S/O KANTHA,
R/O MODALAHALLY VILLAGE,
NAGAMANGALA TALUK,
MANDYA DISTRICT - 570 021.

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REKHA R
Location:
High Court
of
Karnataka



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5. SRI. C. MANJU,
S/O LATE CHIKKAPUTTAIAH,
AGED ABOUT 55 YEARS,
R/AT NO.2551/2, 3RD CROSS,
KALIDASA ROAD, ONTIKOPPAL,
MYSURU - 570 002.
6. SRI. M. MAHADEVU,
S/O MADAPPA,
AGED ABOUT 60 YEARS,
R/A KOORGAHALLI VILLAGE,
BELAWADI POST, YELAVALA HOBLI,
MYSURU TALUK AND DISTRICT - 571 606.
7. SRI. SHIVANANJEGOWDA,
S/O LATE NINGEGOWDA @ MADAPPA,
AGED ABOUT 60 YEARS,
R/O KUKKERIHUNDI VILLAGE,
KASABA HOBLI,
SRIRANGAPATNA TALUK,
MANDYA DISTRICT - 571 415.
8. SRI. MAHADEVU,
S/O NINGEGOWDA @ VENKATEGOWDA
AGED ABOUT 60 YEARS,
R/A HOOTAGALLI VILLAGE,
KASABA HOBLI,
MYSURU TALUK AND DISTRICT - 570 018.

...APPELLANTS

(BY SRI. CHANDRAKANTH R. GOULAY, ADVOCATE)

AND:

1. STATE OF KARNATAKA,
DEPARTMENT OF HOUSING &
URBAN DEVELOPMENT,
M.S. BUILDINGS,
BANGALORE - 560 001.
REP. BY ITS SECRETARY



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2. MYSORE URBAN DEVELOPMENT
AUTHORITY,
THE LAND ACQUISITION OFFICER,
MYSORE - 570 001.
3. THE UNDER SECRETARY,
DEPARTMENT OF HOUSING &
URBAN DEVELOPMENT,
M.S. BUILDING,
BANGALORE - 560 001.
4. SMT. JAYAMMA,
AGED ABOUT 50 YEARS,
W/O KANTHA,
R/O MODALAHALLY VILLAGE,
NAGAMANGALA TALUK,
MANDYA DISTRICT - 570 021.

...RESPONDENTS

(BY SRI. S.H. RAGHAVENDRA, ADVOCATE FOR R2,
SRI. T.P. VIVEKANANDA, ADVOCATE FOR R2,
R4 SERVED AND UNREPRESENTED)

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.10071/2012
DATED:20.05.2014 (LA-UDA), AND ALLOW THE SAID WRIT
PETITION AS PRAYED FOR, BY ALLOWING THIS WRIT APPEAL
AND ETC.,

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

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



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ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE D K SINGH)

Heard Sri.Chandrakanth R.Goulay, learned counsel appearing for appellants, Sri.S.H.Raghavendra, learned Additional Government Advocate for respondent Nos.1 and 3, Sri.T.P.Vivekananda, learned counsel for respondent No.2.

2. This intra Court appeal has been filed impugning the judgment and order dated 20.05.2014 passed by the learned Single Judge in W.P.No.10071/2012.

3. The appellant Nos.5 to 8 have bought the land in question from its original owner i.e., appellant Nos.1 to 4 and respondent No.4, during the pendency of the writ petition. They never disclosed this fact before the Writ Court nor moved any application for impleadment. The learned Single Judge decided the issue against the owners. The appellant Nos.5 to 8 filed the application seeking impleadment in the present appeal after 10 years from the



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date of filing of the appeal, which came to be allowed by the order dated 10.04.2023.

4. Few facts would be important to take note of, before deciding the issue mentioned below involved in this writ appeal i.e.,

(i) whether the subsequent purchaser after land acquisition proceedings got completed would have any right to challenge the land acquisition proceedings? and

(ii) whether the owners who have sold the property during the pendency of writ petition would be entitled to maintain the writ appeal?

5. The land in dispute is 6 acres 5 guntas in Sy.No.264 at Hinkal Village, Kasaba Hobli, Mysore Taluk and District. A preliminary Notification under Section 16(1) of the City of Mysore Improvement Act, 1903¹ was issued on 01.04.1981, proposing to acquire an extent of 1023 acres of the land at Hinkal Village, Mysore Taluk, for the

¹ "The Act of 1903" for short



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purpose of formation of Vijayanagar Layout, which would include the land measuring 6.13 acres in Sy.No.264 of Hinkal Village.

6. The State Government accorded its approval under Section 17 of the Act of 1903 on 22.03.1984 for formation of I stage of Vijayanagar Layout of Hinkal Village to an extent of 100 acres. Thereafter, the State Government has approved the scheme followed by Final Notification under Section 18(1) of the Act of 1903, which came to be published in the Official Gazette on 31.03.1984. It is also not in dispute that an Award came to be passed on 21.04.1986 and the lands part of Final Notification including the land in Sy.No.264 were declared as Sarkari Beelu (Land forfeited for the reason of non-payment of revenue). The compensation could not be paid to anyone.

7. The State Government passed orders permitting formation of Vijayanagar II Stage Layout on 15.10.1987 to



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an extent of 486.24 acres and thereafter passed orders according approval for formation of Vijayanagar III Stage on 03.06.1989 to an extent of 375.25 acres. Thus, the total extent of land for which the Government had accorded approval was 962.19 acre.

8. W.P.No.20956/2002 (PIL) was filed seeking direction to protect the subject land from encroachment and to utilize it for the purpose of which it was designated in the Comprehensive Development Plan². The said writ petition was disposed of on 11.03.2003, with an observation that the Authority concerned had to take appropriate steps to utilize the property for the purpose for which it was reserved as per the CDP.

9. The original owners thereafter filed W.P.No.10071/2012 on 29.03.2012, challenging the acquisition proceedings in respect of the land in question. When the said writ petition was pending for final

² "CDP" for short



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determination, the appellant Nos.1 to 4 and respondent No.4 executed the sale deed dated 11.09.2012 in favour of one Sri.C.Manju and others. It may be noted that the land acquisition proceedings got completed long back i.e., 1984-86, the writ petition came to be filed on 29.03.2012, as mentioned afore and the said writ petition came to be dismissed by the impugned order dated 20.05.2014.

10. An interesting fact which requires to be taken note of is, during the pendency of the said writ petition, the appellant Nos.1 to 4 and respondent No.4 had executed the sale deed in favour of appellant Nos.5 to 8 without there having any right title or interest over the property after the Final Notification was issued and the land got vested in the Government.

11. The appellant Nos.5 to 8 who were aware of all these proceedings and development took risk of getting the sale deed executed in their favour by the earlier owner, who had left with no right, title or interest on the



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property, inasmuch as land acquisition proceedings was over and the challenge to the said acquisition proceedings was pending before the High Court.

12. In this appeal, as observed afore, appellant Nos.1 to 4 and respondent No.4 are the original owners of the property. They have filed writ petition and during the pendency of the writ petition, they have sold the property in favour of appellant Nos.5 to 8, however, this aspect of the matter was not brought to the notice either of the Writ Court or to this Court at the time of filing the appeal. It is however, in the year 2022 for the first time, the application has been filed by the appellant Nos.5 to 8 seeking to implead as appellants in this writ appeal, challenging the order passed by the Writ Court which came to be allowed on 10.04.2023. Since, the appellant Nos.1 to 4 and respondent No.4, petitioners before the Writ Court had sold the property, during the pendency of writ petition they have lost their interest and they cannot



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maintain the writ petition, so also appellant Nos.5 to 8 who have purchased the property during the pendency of the writ petition i.e., subsequent to the Preliminary and Final Notifications. In that view of the matter, they cannot claim any right, title or interest over the property, since after Preliminary and Final Notifications, nothing left to the owner to convey.

13. Our findings on this both appellant Nos.1 to 4 and respondent No.4 and appellant Nos.5 to 8 regarding their right to maintain writ petition and writ appeal, gains strength from the judgment of Co-ordinate Bench of this Court in W.A.No.2074/2025 dated 08.06.2026, in the case of *Bangalore Development Authority Vs. Sri.Chennakeshava.S and Others*, referring to the judgment of this Court at Paragraph Nos.12 and 13, the Court held as under:

*"12. Our view gain strength with the judicial pronouncement of Co-ordinate Bench of this Court in the case of **H.N.SHIVANNA & OTHERS VS. STATE OF***



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KARNATAKA AND ANOTHER³, wherein at paragraph No.41, the Court held as under:

"40. In view of the findings recorded earlier that under the Act, it is permissible to issue successive notifications under Section 28(4) of the Act the challenge to the acquisition on that ground has to necessarily fail. However, it was contended in view of the settled legal position, the final notification ought to have been issued within a reasonable time of one year and the award ought to have been passed within a reasonable time of two years from the date of final notification and in the instant case, the final notification had been issued nearly after five years from the date of preliminary notification and the award having been passed nearly after 4 years 8 months from the date of final notification, the entire acquisition proceedings lapses. Certainly, the said ground would have been a valid ground for the petitioners, if they had not sold their property immediately after the preliminary notification. On the day they filed the writ petitions they were not the owners of the property. The principle underlying acquisition being vitiated on account of delay is, once a preliminary notification is issued, the compensation payable being the market value, the said value is pegged to the date of preliminary notification. Any delay in issuance of final notification and passing of the award determining compensation would obviously affect the interest of the land owners because they are paid compensation on the basis of the market value prevailing on the date of the preliminary notification. In the instant case, the question of paying the compensation would not arise since within three months from the date of preliminary notification, the petitioners have sold the property. Therefore, it is clear that the petitioners did not intend to retain the property

³ 2013 (4) AKR 163



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and hence have sold the property within three months from the date of preliminary notification. They got the market price and enjoyed the said value of the property. Now they cannot be heard to say that the final notification, which is issued 4 years 8 months after the preliminary notification, vitiates the acquisition proceedings, on the ground that they are deprived of the market value of the property."

(Emphasis supplied)

13. We are alive to the situation that any observations or deliberations on the merits of the case, having considered on the basis of the materials placed before the Writ Court may prejudice either party, as per the contention of learned Senior counsel appearing for contesting respondent No.1/petitioner that, the same would affect the rights of the subsequent purchaser, when the entire action are held that the officials have acted arbitrarily and without any authority of law in disbursing the amount and granting 04 incentive sites to a person who was neither in possession nor having any right, title or interest in the property as the entire claim was based on an unregistered document said to have been executed by a dead person after three years of his death and only on the entry in the RTC on the basis of such document which cannot be considered as document for the purpose of entering acquisition rights as provided under the provisions of Karnataka Land Revenue Act. Accordingly, we **dispose of** this Writ Appeal holding that the Writ Petition filed by the contesting respondent No.1/ petitioner is not maintainable. However, making it clear



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that we have not expressed any view of ours on the merits of the case as considered by the Writ Court."

14. Further the Supreme Court in **DELHI DEVELOPMENT AUTHORITY Vs. MANPREET SINGH AND OTHERS⁴**, and **DELHI DEVELOPMENT AUTHORITY Vs. MGS (INDIA) PRIVATE LIMITED AND OTHERS⁵**, has held that the subsequent purchaser has no locus to maintain writ, seeking challenge to the acquisition proceedings, in both the matters, at paragraph No.8, which reads as under:

"In Civil Appeal No.277/2023:

8. *The aforesaid issue is now not res integra in view of the three-Judge Bench decision of this Court in **Shiv Kumar (2019) 10 SCC 229**, which has been subsequently followed by another Bench of this Court in **Godfrey Phillips (2022) 8 SCC 771** and **State (NCT of Delhi) Vs. Pawan Kumar (2022) 7 SCC 470**, this Court has subsequently observed and held that a subsequent purchaser has no locus to challenge the*

⁴ (2023) 19 SCC 549 (Civil Appeals No.277/2023 c/w 278/2023 Dt:16.01.2023)

⁵ 2023 SCC OnLine SC 154 (Civil Appeal No.947/2023 Dt:17.02.2023)



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acquisition proceedings/lapsing of the acquisition under the 2013 Act."

"In Civil Appeal No.944/2023:

8. From the impugned judgment and order passed by the High Court, it appears that though before the High Court and so stated in the counter, an objection was raised on maintainability of the writ petition, at the instance of the original writ petitioner - subsequent purchaser, the same has not been dealt with by the High Court. The High Court ought to have dealt with the said aspect. Be that it may, the fact remains that the respondent being a subsequent purchaser had no locus to pray for lapsing of the acquisition as observed and held by this Court in the aforesaid decisions. Therefore, the impugned judgment and order passed by the High Court is unsustainable."

15. We are therefore of the view that, once the owners had alienated the property, they had left with no interest in the property and therefore, the writ appeal on their behalf would not be maintainable. We are also of the view that the appellant Nos.5 to 8, who are subsequent purchasers after the land acquisition got completed would have no right to challenge the land acquisition proceedings in any manner before this Court and they had no locus to



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file this writ appeal. We therefore, ***dismiss*** this appeal, however, without costs.

In view of dismissal of Writ Appeal, pending interlocutory applications, if any, stand disposed of.

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

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

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List No.: 1 Sl No.: 12
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