



CNR: KAHC010032552017

NC: 2026:KHC:49092
WP No. 12450 of 2017

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 9TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE R. NATARAJ

WRIT PETITION NO. 12450 OF 2017 (LA-BDA)

BETWEEN:

SRI. M. SURYANARAYANA RAO
S/O MANKOJI RAO,
AGED ABOUT 64 YEARS,
R/A RAMASANDRA VILLAGE,
Kengeri Hobli,
BANGALORE SOUTH TALUK
BANGALORE DISTRICT

...PETITIONER

(BY SRI. THILAK RAJ S.V., ADVOCATE FOR
SRI. H.N. BASAVARAJU, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
URBAN DEVELOPMENT DEPARTMENT,
VIKASA SOUDHA, BANGALORE-560 001
REPT. BY ITS SECRETARY
2. THE COMMISSIONER
BENGALURU DEVELOPMENT AUTHORITY,
KUMARA PARK WEST, T.CHOWDAIAH ROAD,
BANGALORE-560020
3. THE SPECIAL LAND
ACQUISITION OFFICER
BENGALURU DEVELOPMENT AUTHORITY,
KUMARA PARK WEST, T.CHOWDAIAH ROAD,
BANGALORE-560020

...RESPONDENTS

(BY SMT. POOJA M. KOORSE, HIGH COURT GOVERNMENT PLEADER
FOR RESPONDENT NO.1;

SRI. SRINIVAS BHAT, ADVOCATE FOR RESPONDENT NOS.2 AND 3)

Digitally
signed by
HEMATATHA J
Location:
HIGH COURT
OF
KARNATAKA



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THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO DECLARE THAT THE ACQUISITION OF THE SCHEDULE LAND BELONGING TO THE PETITIONER COVERED UNDER THE FINAL NOTIFICATION ISSUED BY 1ST RESPONDENT DATED 18.02.2010, PUBLISHED IN THE KARNATAKA GAZETTE DATED 18.02.2010, ISSUED BY 1ST RESPONDENT BEARING NO.UDD 51 MNX 2010 AS PER ANNEXURE-F, HAS LAPSED BECAUSE OF SECTION 27 OF THE BANGALORE DEVELOPMENT AUTHORITY ACT AND ALSO BY VIRTUE OF SECTION 24(2) OF THE RIGHT TO FAIR COMPENSATION AND TRANSPARENCY IN LAND ACQUISITION, REHABILITATION AND RESETTLEMENT ACT, 2013 (CENTRAL ACT NO.30/3013) AND ALSO BY APPLYING THE DOCTRINE OF FAILURE TO PASS AN AWARD WITHIN A REASONABLE PERIOD AND ETC.

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

CORAM: HON'BLE MR. JUSTICE R. NATARAJ

ORAL ORDER

The petitioner has sought for a declaration that the acquisition initiated by respondent No.1 for the purpose of respondent No.2, vide notification bearing No.UDD 51 MXX 2010 dated 18.02.2010 had lapsed in view of Section 27 of the Bangalore Development Authority Act, 1976 (henceforth referred to as 'the BDA Act') and under Section 24(2) of the



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Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (henceforth referred to as 'the Act, 2013'). He has also sought for a writ in the nature of certiorari to quash the preliminary notification bearing No.BDA/ COMMR/ DC(LA)/ ALAO/ 158/ 2008-2009 dated 21.05.2008 and the final notification bearing No.UDD 51 MXX 2010 dated 18.02.2010 in respect of the land bearing Sy.No.174 of Ramasandra Village, Kengeri Hobli, Bengaluru South Taluk, measuring 2 acres 23 guntas excluding 8 guntas of kharab.

2. The petitioner contends that he is the owner of the aforesaid land having derived it in terms of a deed of partition dated 10.09.1992. He contends that the respondent No.2 proposed to acquire the aforesaid land for the purpose of formation of Nadaprabhu Kempegowda Layout, following which a final notification was issued by the respondent No.1. The petitioner claims that though the scheme for formation of Nadaprabhu Kempegowda Layout was sanctioned in the year 2008, the respondent No.2 has failed to implement the scheme within five years as prescribed under Section 27 of the BDA



Act. It is also contended that large number of petitions were filed before this Court challenging the acquisition and a Co-ordinate Bench of this Court had quashed it. The petitioner therefore submits that the respondent No.2 has not been able to implement the scheme and has failed to take any action to take over possession of the property in question and hence, the acquisition is lapsed under Section 24(2) of the Act, 2013.

3. Per contra, the learned counsel for the respondent No.2 submitted that the acquisition for formation of Nadaprabhu Kempegowda Layout was though quashed by a Co-ordinate Bench of this Court, the same was challenged in W.A.No.1783/2014 and connected appeals. He submits that the Division Bench of this Court allowed the writ appeals and granted relief to the landowners, who desired to get their land excluded from acquisition on grounds mentioned therein. He therefore contends that since the acquisition is upheld in the year 2024, the question of the acquisition lapsing under Section 27 of the BDA Act or under Section 24(2) of the Act, 2013 would not arise.



4. I have considered the submissions of the learned counsel for the petitioner and the learned counsel for the respondent No.2 and 3.

5. As rightly contended by the learned counsel for the respondent Nos.2 and 3, the acquisition for formation of Nadaprabhu Kempegowda Layout was initially quashed by a Co-ordinate Bench of this Court in W.P.No.32186/2010 and other matters. The same was questioned by respondent No.2 in W.A.No.1783/2014, which was allowed in terms of the order dated 22.02.2024. The Division Bench while upholding the notifications granted relief to the landowners who desired to get their lands excluded on grounds mentioned therein in the following terms:

- "(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*



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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) 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 de-notified, 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



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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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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."

6. The petitioner contends that the land in question is a garden land and in view of the consistent policy of the State Government not to acquire garden lands, the same is liable to be excluded from acquisition. If that be so, the petitioner was bound to approach the respondent No.2 with a proper



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representation seeking exclusion of his land from acquisition and if such a representation is filed, the respondent No.2 would have considered the same in accordance with law and as directed by this Court in W.A.No.1783/2014 and connected appeals.

7. In view of the above, the following order is passed:

ORDER

- i. The writ petition is ***allowed in part***;
- ii. The challenge to the impugned notifications on the ground that it has lapsed either under Section 27 of the Bangalore Development Authority Act, 1976 or under Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 is rejected. Likewise, the challenge to quash the preliminary notification bearing No.BDA/COMMR/ DC(LA)/ALAO/158/2008-2009 dated 21.05.2008 and the final notification bearing



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No.UDD 51 MXX 2010 dated 18.02.2010 is also rejected.

- iii. The petitioner is directed to file a representation before the respondent No.2 seeking exclusion of his land from acquisition as per the judgment of the Division Bench of this Court in W.A.No.1783/2014. If a representation is filed by the petitioner within one month from the date of receipt of a copy of this order, the respondent No.2 shall pass appropriate orders in accordance with law within a period of three months thereafter.
- iv. Until consideration of the representation, the respondent No.2 shall not take any precipitative action against the property of the petitioner mentioned above.

Sd/-
(R. NATARAJ)
JUDGE