



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF JUNE, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

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

WRIT APPEAL NO. 82 OF 2025 (LA-RES)

BETWEEN:

SRI. M. MAHADEVA MURTHY,
DEAD BY HIS LRS, SMT SUKANY,
W/O LATE MMADASHETTY,
AGED ABOUT 65 YEARS,
R/O NO.23/370, BRAMARAMBA LAYOUT,
4TH CROSS, CHAMARAJNAGAR - 573 101.

REPTY BY HER GPA HOLDER,
PARASHIVAMURTHY, S/O LATE MALLAIAH,
AGED ABOUT 50 YEARS,
R/O SOSILE VILLAGE,
SOSILE HOBLI, T. NARASIPURA TALUK,
MYSORE DISTRICT - 571 124.

...APPELLANT

(BY SRI. HALLI SHANTAPPA BASAPPA., ADVOCATE FOR
SRI. S.B. HALLI, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
BY ITS SECRETARY,
DEPARTMENT OF REVENUE,
M.S. BUILDING,
BANGALORE - 560 001.
2. THE SPECIAL LAND
ACQUISITION OFFICER,
MYSORE DISTRICT,
MYSORE - 570 001.



3. THE ASSISTANT COMMISSIONER,
KOLLEGAL SUB-DIVISION, KOLLEGAL,
CHAMARAJNAGAR DISTRICT - 573 101.

...RESPONDENTS

(BY SRI.B. RAVINDRANATH, AGA)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT, 1961, PRAYING TO SET ASIDE THE ORDER PASSED BY THE LEARNED SINGLE JUDGE OF THIS HONBLE COURT, IN WRIT PETITION No.44741/2015 DATED:21.11.2023 AND PASS ANY OTHER SUITABLE ORDER/s WHICH DEEMS FIT ON THE FACTS AND CIRCUMSTANCES OF THE CASE BY ALLOWING THIS APPEAL, IN THE INTEREST OF JUSTICE AND EQUITY.

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

ORAL JUDGMENT

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

The present intra Court appeal has been filed impugning the judgment and order dated 21.11.2023 in W.P.No.44741/2015 by the appellant.



2. In the writ petition, the petitioner/appellant had challenged the Preliminary Notification dated 12.02.1987 issued under Section 4(1) of Land Acquisition Act, 1894¹ and Final Notification dated 14.12.1987 issued under Section 6(1) of the Act of 1894, notifying 26 guntas in Sy.No.640/2A and 03 acres 08 guntas in Sy.No.640/2B of Chamarajanagar Village, Kasaba Hobli, Chamarajanagara District.

3. Notice under Section 9(1) and 10 of the Act of 1894 was issued to the owners on 03.05.1988 and award for a sum of Rs.91,800/- was passed on 19.05.1990 and the sum awarded was deposited in the competent Civil Court. The challenge made to the said acquisition proceedings is in earlier W.P.No.22503/1989, came to be rejected vide order dated 21.06.1996 passed in the said writ petition.

¹ "the Act of 1894 for short"



4. The petitioner, after almost 20 years from the date of the order dated 21.06.1996, whereby the challenge to the land acquisition proceedings was rejected, had filed present writ petition, challenging the very same Notification, on the ground of lapse of the acquisition proceedings under Section 24(2) of Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

5. According to the petitioner, though the award was passed, but possession has remained with the petitioner throughout and as the possession has not been taken, the land acquisition proceedings have lapsed.

6. We have considered the submissions of the learned counsel for parties. The Supreme Court in the case of **INDORE DEVELOPMENT AUTHORITY VS. MANOHARLAL**², has held that once the proceedings are concluded, there cannot be any new cause of action by

² (2020) 8 SCC 129



means of subsequent development in law. The Supreme Court at paragraph No.356 and 357 of the Judgment, has held 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 [Vodafone International Holdings BV v. Union of India, (2012) 6 SCC 613 : (2012) 3 SCC (Civ) 867]. The landowners 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 contention is without merits. As held earlier, the doctrine of laches would always preclude an indolent party, who chooses not to approach the court, or having approached the court, allows an adverse decision to become final, to reagitate the issue of acquisition of his holding. Doing so, especially in cases, where the title has vested with the State, and thereafter with



subsequent interests, would be contrary to public policy. In A.P. State Financial Corpn. v. Gar Re-Rolling Mills [A.P. State Financial Corpn. v. Gar Re-Rolling Mills, (1994) 2 SCC 647], 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 Section 24(2) on the basis of wrong interpretation.

357. In British Railways Board v. Pickin [British Railways Board v. Pickin, 1974 AC 765 : (1974) 2 WLR 208 (HL)] , the following observations were made:

"... equity, when faced with an appeal to a regulatory public statute, which requires compliance with formalities, will not allow such a statute (assumedly passed to prevent fraud) to be used to promote fraud and will do so by imposing a trust or equity upon a legal right."

7. The Writ Court has dismissed the writ petition, on the ground that the petitioner did not disclose filing of the earlier petition W.P.No.22503/1989 and the order passed thereon on 21.06.1996. The writ petition therefore,



has been dismissed on the merit as well as on suppression of material effect with cost of Rs.10,000/- to be deposited in Chief Minister's Relief Fund, Karnataka.

8. The learned counsel for the petitioner/appellant has no answer regarding suppression of material fact of filing the earlier W.P.No.22503/1989 and order dated 21.06.1996 passed in the said writ petition, dismissing the same. The petitioner's possession, if any, after the award was passed and the same got deposited in the Civil Court is nothing but an illegal possession, in as much as the land had got vested with the Government, free from any encumbrances. Merely on the ground that the Authority has not evicted the petitioner, he would not get any right to occupy the land, as he has no right, title and interest in the land after it got vested with the Government.

9. The learned Single Judge has noted that a Government Polytechnic College has been constructed in



the middle of acquired land and the remaining extent was fenced with stone slabs and barbed wire.

10. We do not find any ground to interfere with the impugned judgment and order passed by the learned Single Judge. We therefore, ***dismiss*** this appeal. However considering the fact that the learned counsel for the appellant has made submission, who is young in the Bar, we delete the cost.

In view of dismissal of appeal, pending application/s if any, does not survive for consideration and the same are disposed of.

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

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

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