



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 11TH 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. 4348 OF 2015 (LA-BDA)

BETWEEN:

1. SRI. REVANNA
S/O. DODDASAMPAIAH,
AGED ABOUT 53 YEARS,
RESIDING AT GAANAKALLU,
BANASHANKARI 6TH STAGE,
11TH BLOCK, KENGERI POST,
BANGALORE - 560 060.
2. SRI. CHIKKA REVANNA,
S/O. LATE DODDASAMPAIAH,
SINCE DECEASED
REPRESENTED BY HIS LR'S
- 2(a). MRS. PADMA,
W/O LATE CHIKKA REVANNA,
AGED ABOUT 48 YEARS,
- 2(b). MR. C. NAGENDRA,
S/O LATE CHIKKA REVANNA,
AGED ABOUT 27 YEARS,
- 2(c). MR. C. MANJUNATH,
S/O LATE CHIKKA REVANNA,
AGED ABOUT 25 YEARS,
3. SMT. RENUKAMMA,
D/O. REVANNA,
AGED ABOUT 46 YEARS,



4. SRI. DODDASAMPAIAH,
S/O. LATE KEMPAIAH,
AGED ABOUT 71 YEARS,

ALL ARE RESIDING AT GAANAKALLU,
BANASHANKARI 6TH STAGE,
11TH BLOCK, KENGERI POST,
BANGALORE - 560 060.
(APPEAL ABATED AS AGAINST
APPEALLANT NO.4 VIDE
ORDER DATED 21.09.2021)

...APPELLANTS

(BY SRI. PAWAN., ADVOCATE FOR A1. A2(a-c),
SRI. BIPIN HEGDE, ADVOCATE FOR A3)

AND:

1. BANGALORE DEVELOPMENT
AUTHORITY,
T. CHOWDAIAH ROAD,
KUMARA PARK WEST,
BANGALORE - 560 020.
BY ITS COMMISSIONER
2. THE SPECIAL LAND
ACQUISITION OFFICER,
THE BANGALORE
DEVELOPMENT AUTHORITY,
T.CHOWDAIAH ROAD,
KUMARA PARK WEST,
BANGALORE - 560 020.
3. STATE OF KARNATAKA,
REP. BY ITS SECRETARY,
DEPARTMENT OF URBAN
DEVELOPMENT,
VIKASA SOUDHA,
BANGALORE - 560 001.

...RESPONDENTS

(BY SRI. M. UNNIKRISHNAN M., ADVOCATE FOR R1 &R2,
SRI. S.H. RAGHAVENDRA, AGA FOR A3,



SRI. K. BHANU PRASAD, ADVOCATE R4
(GPA FOR R5 TO R7 AND R8 TO R10)

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 60771/2014 (LA-BDA) DATED:26.06.2015 PASSED BY THE LEARNED SINGLE JUDGE OF THIS HON'BLE COURT.

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 T.M.NADAF)

The unsuccessful petitioners in W.P.No.60771/2014 are before us in this intra-Court appeal filed under Section 4 of the Karnataka High Court Act, 1961, calling in question the order dated 26.06.2015 passed by the Writ Court.

2. By the impugned order, the Writ Court rejected the Writ Petition as devoid of merits, declining to quash the acquisition proceedings as sought in the Writ Petition.



3. The parties are referred to as per their ranking before the Writ Court.

4. Facts in brief leading to file the present appeal are as under:

4.1 The petitioners filed the Writ Petition seeking following reliefs:

- a) *Issue a writ of certiorari, any other writ, order or direction, quashing the preliminary notification at Annexure-C bearing No.UDD/274/MNX/2001 dated 21/8/2001 and the final notification dated 21/8/2001 bearing No.UDD/274/MNX/2001 at Annexure-D,*
- b) *Declare that the scheme in respect of land in Sy.No.3/1 situated in Gaanakallu village, Kengeri Hobli, Bangalore South Taluk, Bangalore as far as the petitioners land is concerned has lapsed and the acquisition proceedings has become stale and inconclusive,*
- c) *Issue a writ of prohibition, any other writ, order or direction, restraining the Respondents and their officials from interfering with the petitioners possession and enjoyment of their land in Sy.No.3/1 situated in Gaanakallu village, Kengeri Hobli, Bangalore South Talk, Bangalore,*
- d) *Grant such other and further relief as this Hon'ble Court deems fit in circumstances of the case, in the interest of justice and equity.*

4.2 Petitioners 1 and 2 claim to be the owners of land measuring 5½ Guntas each, petitioner No.3 claims to be



the owner of 12 Guntas of land and petitioner No.4 claims to be owner of 25 Guntas of land, formed out of 03 Acre 06 Guntas in Sy.No.3/1 of Gaanakallu Village, Kengeri Hobli, Bangalore South Taluk, Bangalore.

4.3 By means of Preliminary Notification dated 15.11.2000 (Annexure-C), several lands in and around Gaanakallu Village, including the lands of the petitioners were proposed to acquire for the formation of "Banashankari VI Stage Layout". A Final Notification came to be issued on 21.08.2001 (Annexure-D).

4.4 The said Notifications were the subject matter in the Writ Petition on the premise that the Scheme for formation of "Banashankari VI Stage Layout" had not been implemented by the respondent Bangalore Development Authority¹, the Scheme had got lapsed under Section 27 of the Bangalore Development Act, 1976².

4.5 It was contended that the other lands within the vicinity, had already been de-notified on the premise of private

¹ the BDA, for short

² the BDA Act, 1976, for short



layouts were formed, as such the Scheme was not implemented.

4.6 The Writ Court has dismissed the Writ Petition only on the premise that the learned counsel for the petitioners has failed to state as to what is the total extent of the land over which the Scheme i.e., "Banashankari VI Stage Layout" is formed and further observed that the only submission of learned counsel for the petitioners is that the lands adjacent to the land belonging to the petitioners have not been formed into layout. As such, the submissions of the petitioners cannot be construed or accepted as failure of the Authority to execute the Scheme substantially for formation of Banashankari VI Stage, so as to declare the said Scheme as having lapsed under Section 27 of the BDA Act, 1976, accordingly, rejected the Writ Petition. It is this order passed by the Writ Court is called in question in this appeal.

5. During the pendency of the appeal, certain persons claiming to be the allottees of sites have filed an impleading application in I.A.No.1/2025. This Court vide order dated



18.03.2026, disposed of the application, permitting the impleading applicants to intervene in the appeal, with a rider that the same should not be construed as an order of the Court directing the impleadment of the applicants. Accordingly, vide order dated 16.04.2026, office objection raised was over-ruled for non-amendment of main cause title as the order was only permitting them to intervene in the appeal.

6. Heard, Sri.Pawan, learned counsel appearing for appellants 1 and 2(A to C), Sri.Bipin Hegde, learned counsel appearing for appellant No.3 Sri.Unnikrishnan.M, learned counsel appearing for respondents 1 and 2, Sri.S.H.Raghavendra, learned Additional Government Advocate appearing for respondent No.3 and Sri.K.Bhanu Prasad, learned counsel appearing for the intervening applicants.

7. Learned counsel, Sri.Bipin Hegde, submits that the lands are still in possession of the appellants and possession has not been taken. There is no award passed and no amount paid as per the provisions of the Land Acquisition Act by the BDA. The substantial land has not been utilized, whereby frustrating the Scheme. The other lands in the vicinity have



been de-notified making it impossible to form a comprehensive and contiguous layout. Accordingly, the Scheme having been failed, required to be declared as lapsed under Section 27 of the BDA Act, 1976.

8. To the query, Mr.Unnikrishnan.M, leaned counsel appearing for the BDA, with all fairness submits that the draft award has been prepared, however, there is no approval. But he submits that registered sale deeds have been executed in favor of the intervening applicants.

9. In reply, Mr.Bipin Hegde, submits that right to property though not remained as fundamental right, but the same is a constitutional right under Article 300A of the Constitution of India, which pre-supposes that no person shall be deprived of his property save by authority of law. The word used 'authority of law' means, an acquisition of property in all legal ways, payment of compensation by means of passing an award and taking possession thereafter. Learned counsel further submits that when the award itself has not been passed and the same is lying and locked still in the stage of draft, there is no question of laying a layout and executing sale



deeds, when the possession is still with the petitioners. In these circumstances, it is to be construed as they are only on the paper and not in reality.

10. The right of person in respect of property under Article 300A has been recognized by the Supreme Court in ***K.T.PLANTATION PRIVATE LIMITED AND ANOTHER VS. STATE OF KARNATAKA***³. The same is reiterated by the Supreme Court in the case of ***KOLKATA MUNICIPAL CORPORATION AND ANOTHER VS. BIMAL KUMAR SHAH AND OTHERS***⁴ and further explained the principles of law laid down in ***K.T.PLANTATION*** supra. In the said Judgment, the Supreme Court has held that right to property has to be given broader and meaningful interpretation. The right to property has seven sub-rights and it does not limit to twin components of public purpose and compensation. The seven sub-rights or strands of the swadeshi constitutional fabric constituting the right to property, which are non-exhaustive, have been enumerated as under:-

³ (2011) 9 SCC 1

⁴ (2024) 10 SCC 533



- "(i) The duty of the State to inform the person that it intends to acquire his property - the right to notice,*
- (ii) The duty of the State to hear objections to the acquisition - the right to be heard,*
- (iii) The duty of the State to inform the person of its decision to acquire - the right to a reasoned decision,*
- (iv) The duty of the State to demonstrate that the acquisition is for public purpose - the duty to acquire only for public purpose,*
- (v) The duty of the State to restitute and rehabilitate - the right of restitution or fair compensation,*
- (vi) The duty of the State to conduct the process of acquisition efficiently and within prescribed timelines of the proceedings - the right to an efficient and expeditious process, and*
- (vii) The final conclusion of the proceedings leading to vesting - the right of conclusion."*

11. These seven rights though are procedures, but they do constitute real content of the right to property under Article 300A and non-compliance of these will amount to violation of the right to property being without the authority of law.

12. In view of the judgment of the Supreme Court *supra* and in view of the admitted fact that the award has not been passed so far in respect of the acquisition proceedings of the year 2000-01, we are of the considered view that the Scheme so far as the lands of the petitioners are concerned, is



lapsed. In view of non-passing of the award and payment of compensation, the acquisition proceedings in respect of the property of the petitioners stated supra is vitiated and requires to be quashed to that extent. In that view of the matter, we find force in the arguments of learned counsel, Sri.Bipin Hegde. Accordingly, we **allow** the Writ Appeal, set-aside the order passed by the Writ Court. Consequently, allow the Writ Petition as sought, the Preliminary Notification and the Final Notification in respect of the lands of the petitioners are quashed, holding that the Scheme in respect of the said lands has been lapsed and the acquisition proceedings have become stale and inconclusive.

13. In view of quashing of the acquisition proceedings in respect of the land of the petitioners, the other prayer i.e., Prayer (C) renders infructuous. Accordingly, the Writ Appeal is allowed, however without costs.

14. The intervening applicants, who alleged to be the persons in whose favor the BDA has executed Sale Deeds as per the documents produced by learned counsel appearing for the BDA along with a memo dated 23.03.2026, may approach



the BDA either for refund of money, or for seeking alternative site as per the provisions of the BDA Act if they are entitled to.

15. In view of disposal of the 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.: 4
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