

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF SEPTEMBER, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN

WRIT APPEAL NO. 1494 OF 2018 (LA-BDA)

BETWEEN:

1. THE BANGALORE DEVELOPMENT AUTHORITY
SANKEY ROAD, KUMARAPARK WEST,
BANGALORE-560 020.
REP. BY ITS COMMISSIONER.
2. THE SPECIAL ADDL. LAND ACQUISITION OFFICER,
BANGALORE DEVELOPMENT AUTHORITY,
SANKEY ROAD, KUMARAPARK WEST,
BANGALORE-560 020.

...APPELLANTS

(BY SRI.N.R.GIRISH, ADVOCATE)

AND:

Digitally signed
by MALA K N
Location: HIGH
COURT OF
KARNATAKA

1. SRI. THIMMARAYAPPA
S/O LATE THIMMAIAH,
AGED ABOUT 66 YEARS,
2. SRI. MUNIYAPPA
S/O LATE THAMMAIAH,
AGED ABOUT 51 YEARS
3. SRI. DEVARAJ,
S/O LATE THAMMAIAH,
SINCE DEAD REP. BY HIS LR'S
- 3.1. SHASHI KUMAR,
S/O LATE DEVARAJA,
MAJOR IN AGE,

- 3.2. SHIVARAJ,
S/O LATE DEVARAJA,
MAJOR IN AGE,

ALL ARE RESIDENTS OF KOTHANURU VILLAGE,
UTTARAHALLI HOBLI,
BENGALURU SOUTH TALUK,
BENGALURU – 560 083.

THE RESPONDENT NO. 1 TO 3
ARE REPRESENTED BY THIER GPA HOLDER
SRI. C.R. RAMA MOHAN RAJU,
S/O CHENGAMA RAJU,
AGED ABOUT 45 YEARS,
RESIDING AT NO.24, 4TH CROSS
K.R. LAYOUT, J.P. NAGAR 6TH PHASE,
BENGALURU – 560 078.

4. THE STATE OF KARNATAKA
REPRESENTED BY ITS PRINCIPAL SECRETARY,
DEPARTMENT OF URBAN DEVELOPMENT,
IKASA SOUDHA,
BENGALURU-560 001.
5. RASHTREEYA SIKSHANA SAMITHI TRUST
RV TEACHERS COLLEGE BUILDING,
2ND BLOCK, JAYANAGAR,
BENGALURU – 560 011.
REPRESENTED HEREIN BY ITS
HON'BLE SECRETARY
MR. A.V.S. MURTHY

...RESPONDENTS

(BY SRI.N.BYREGOWDA, AGA FOR R4;
SRI.SRIKANTH N.V.,ADVOCATE FOR R1, R2;
SRI.VIKRAM HUILGOL, SENIOR ADVOCATE FOR
SRI.SANDEEP HUILGOL, ADVOCATE FOR R5;
SERVICE OF NOTICE TO R3(A) & R3(B) HELD SUFFICIENT
(V.C.O DATED 02.08.2023))

THIS WRIT APPEAL FILED U/S 4 OF THE KARNATAKA
HIGH COURT ACT PRAYING TO SET ASIDE THE ORDER DATED
26/7/2013 PASSED BY HON'BLE SINGLE JUDGE IN WRIT
PETITION 22759/2013 (LA-BDA) AND ALLOW THE WRIT
APPEAL BY DISMISSING THE WRIT PETITION.

THIS APPEAL HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 25.08.2026 AND COMING ON FOR PRONOUNCEMENT THIS DAY, **HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN** MADE THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE D K SINGH
AND
HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN

CAV JUDGMENT

(PER: HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN)

The Bangalore Development Authority, constituted for the planned development of Bengaluru, is expected to protect and preserve lands acquired for public purposes. Its failure to promptly challenge the order raises a serious institutional concern. Such administrative laxity frustrates the very purpose for which the Authority has been constituted. Public servants are expected to act with integrity, diligence, accountability and responsibility, particularly when public property is involved. Any continued dereliction of duty in this regard would not only cause loss to the public exchequer but would also undermine the very purpose of the acquisition itself. (In reference to better affidavit filed in the appeal by Bangalore Development Authority).

This intra-court appeal has been filed by the Bangalore Development Authority impugning the Order dated 26.07.2013 passed by the learned Single Judge in W.P.No.22759/2013 (LA-BDA) whereby the learned Single Judge has quashed the impugned preliminary notification dated 23.03.1988 and the final notification dated 05.04.1999.

2. For the sake of convenience, the parties are referred to as per their status before the learned Single Judge.

3. The petitioners claim to be the owners of land bearing Sy.No.171/5 measuring 1 acre 20 guntas situated at Kothanur Village, Uttarahalli Hobli, Bengaluru South Taluk, which they state has devolved upon them from their predecessor-in-title. According to them, the said land was earlier subjected to acquisition proceedings for the benefit of M/s Amara Jyothi Co-operative House Building Society. The said acquisition was challenged and, pursuant to the subsequent orders passed in the proceedings, the land was directed to be restored to the petitioners upon

repayment of the amount received by them. The petitioners state that the restoration was endorsed on 24.05.2013.

4. The petitioners contend that, notwithstanding the earlier acquisition proceedings and the subsequent restoration of the land, the respondent-BDA had issued a preliminary notification dated 23.03.1988 and a final notification dated 05.04.1999 proposing to acquire the very same land for formation of J.P. Nagar VIII Phase Layout. They contend that the BDA was aware of the earlier acquisition proceedings and the litigation concerning the property. Reliance is also placed on the proceedings in W.A. No.2161/2001 and other connected matters relating to the surrounding lands.

5. It is further contended by the petitioners that the proposed layout was not implemented in respect of the subject land and that several adjoining lands had either been deleted from the acquisition proceedings or had been released pursuant to judicial orders. The petitioners assert that the acquisition proceedings had become ineffective

and that the delay in approaching the Court was properly explained, since the land was restored to them only in the year 2013. On these grounds, they sought quashing of the preliminary and final notifications insofar as they related to the subject property.

6. The State of Karnataka / Respondent No 1, contended that the writ petition was liable to be dismissed on the ground of delay and laches and accordingly sought dismissal of the petition.

7. The Bangalore Development Authority/respondent No.2, in its statement of objections, states that the land bearing Sy.No.171/5, measuring 1 acre 20 guntas, situated at Kothanur Village, Uttarahalli Hobli, Bengaluru South Taluk, is notified for acquisition for the formation of J.P. Nagar VIII Phase Layout. It states that the preliminary notification is issued on 23.03.1988 and the final notification on 05.04.1999. Pursuant to the said notifications, an award is passed determining the compensation payable in respect of the acquired land.

8. It is the specific case of Respondent No.2 that notice under Section 12(2) of the Land Acquisition Act, 1894 (**'LA Act'**), is issued and possession of the land is taken on 13.12.1999 under Section 16 of the Act, pursuant to the award dated 05.11.1999. Respondent No.2 states that possession is handed over to its Engineering Section on the same day for the purpose of formation of the layout. It is further stated that a notification under Section 16(2) of the LA Act is also issued.

9. Respondent No.2 further states that the compensation amount is deposited before the Principal City Civil Judge, Bengaluru, under Sections 30 and 31(2) of the LA Act. According to it, the acquisition proceedings are thus completed and the land stands vested in the Government. Respondent No.2 specifically disputes the contention that the scheme has lapsed under Section 27 of the Bangalore Development Authority Act, 1976 (**'BDA Act'**) and maintains that the question of lapse does not arise in the present case.

10. Respondent No.2 also contends that the writ petition is filed after an inordinate delay of nearly 15 years. It is its case that the petitioners, having failed to challenge the acquisition proceedings at the appropriate stage, cannot seek to unsettle the acquisition after such a long lapse of time. Respondent No.2 therefore maintains that the writ petition is not maintainable on the ground of delay and laches.

11. Respondent No.2 further relies upon the fact that the award amount is deposited before the competent Civil Court and contends that, once possession is taken and the land is vested in the Government, the subsequent restoration claimed by the petitioners does not invalidate the acquisition proceedings initiated under the BDA Act. Respondent No.2 accordingly seeks dismissal of the writ petition and upholding of the acquisition proceedings.

12. Having heard the learned Counsel appearing for the parties and having perused the pleadings and the material on record, the learned Single Judge considers the

question as to whether the impugned acquisition notifications issued by the BDA are sustainable in law.

13. The learned Single Judge notices that the very same land is earlier acquired under the LA Act, for the benefit of M/s Amara Jyothi Co-operative House Building Society and that the said acquisition proceedings are quashed by the Hon'ble Supreme Court. The Court further notices that the Hon'ble Supreme Court directs restoration of the lands to the original landowners upon repayment of the compensation amount and that, pursuant thereto, the petitioners claim to have deposited the compensation amount and obtained restoration of the land.

14. The learned Single Judge further notices that the questions arising for consideration in the writ petition are identical to those considered by the Division Bench in W.A. No.2161/2001, dated 21.03.2005, in respect of adjoining lands. The Court observes that the BDA is a party to the said proceedings and that the judgment of the Division Bench has attained finality. In the circumstances, the Court holds that the petitioner, being the owner of the

land adjacent to the land covered by the earlier judgment, cannot be denied the same benefit.

15. The learned Single Judge also takes note of the fact that the Division Bench, in the earlier proceedings, quashes both the preliminary and final notifications issued under the BDA Act in respect of the adjoining lands. The Court considers the said judgment to be applicable to the present case, as the impugned notifications are the very same notifications under challenge.

16. In view of the above, the learned Single Judge follows the judgment of the Division Bench in W.A. No.2161/2001 and holds that the writ petition deserves to be allowed. The Court accordingly quashes the impugned preliminary notification dated 23.03.1988 and final notification dated 05.04.1999 insofar as they relate to the petitioners' land bearing Sy.No.171/5, measuring 1 acre 20 guntas, situated at Kothanur Village, Uttarahalli Hobli, Bengaluru South Taluk.

17. Aggrieved by the order passed by the learned Single Judge, the Respondent No. 2/Bangalore Development Authority prefers the present writ appeal, contending that the impugned order is contrary to the facts and circumstances of the case and the settled principles of law governing acquisition proceedings.

18. We have heard the arguments of Sri.N.Byregowda, AGA for the State, Sri.Srikanth N.V., learned counsel for the petitioners, Sri.Vikram Huilgol, learned Senior Advocate on behalf of Sri.Sandeep Huilgol, learned counsel for respondent No.5 and Sri.N.R.Girish, learned counsel for respondent Nos.2 and 3.

19. Respondent No.2/BDA contend that the learned Single Judge fails to appreciate that the acquisition proceedings are completed, possession is taken, the award amount is deposited and the land is vested in the Government. It is submitted that the impugned order proceeds on an erroneous appreciation of the facts stated in the statement of objections.

20. The BDA contends that the learned Single Judge erroneously holds that the Government has not taken possession of the land pursuant to the impugned acquisition proceedings. According to the appellants, possession is taken on 13.12.1999 and handed over to the Engineering Section on the same day. The award amount is deposited before the Principal City Civil Court and the notification under Section 16(2) is issued. The appellants submit that these facts establish completion of the acquisition proceedings and vesting of the land in the Government.

21. The BDA contends that the learned Single Judge fails to appreciate the inordinate delay in filing the writ petition. It is submitted that the acquisition proceedings are initiated in 1988 and the writ petition is filed only in 2013. The appellants maintain that the petitioners cannot challenge the acquisition after such a long lapse of time, particularly when the proceedings are already completed.

22. The BDA contends that once the land is acquired and possession is taken, the land vests in the Government

free from all encumbrances. It is submitted that the learned Single Judge fails to appreciate the legal effect of such vesting and the fact that the acquisition proceedings cannot be unsettled merely on the ground that the land is not utilised for the original purpose.

23. The BDA contends that the learned Single Judge fails to appreciate the distinction between the acquisition proceedings initiated under the LA Act for the benefit of the Co-operative Society and the subsequent acquisition proceedings initiated by the BDA for a public purpose. It is submitted that the quashing of the earlier acquisition proceedings does not, by itself, invalidate the subsequent acquisition proceedings initiated under the BDA Act.

24. The BDA contends that the learned Single Judge erroneously applies the judgment in W.A. No.2161/2001 to the present case without appreciating the facts relating to the completion of the acquisition proceedings and vesting of the land. It is submitted that the impugned order is liable to be set aside as it proceeds on an erroneous application of the earlier judgment.

25. The Respondent No 2 / Bangalore Development Authority aggrieved accordingly seeks setting aside of the order dated 26.07.2013 passed by the learned Single Judge in W.P. No.22759/2013 and dismissal of the writ petition, contending that the acquisition proceedings are completed and that the learned Single Judge is not justified in quashing the impugned notifications.

26. Having regard to the pleadings of the parties, perusal of the documents placed on record and the grounds urged in the present appeal, the question that arises for consideration is,

"Whether the learned Single Judge was justified in allowing the petition?"

27. The material on record discloses that the subject land was included in the acquisition proceedings initiated for the formation of J.P. Nagar VIII Phase Layout. The preliminary notification was issued on 23.03.1988 and the final notification was issued on 05.04.1999. It is the specific case of Respondent No.2-Bangalore Development Authority that an award was passed on 05.11.1999,

possession of the land was taken on 13.12.1999 under Section 16 of the LA Act and the possession was thereafter handed over to its Engineering Section for the formation of the layout. Respondent No.2 has also asserted that the compensation amount was deposited before the competent Civil Court and that a notification under Section 16(2) of the Act was issued. These aspects, which go to the root of the acquisition proceedings, require consideration while examining the validity of the impugned notifications.

28. The learned Single Judge, however, has proceeded principally on the basis that the petitioners had earlier obtained restoration of the land pursuant to the proceedings relating to the acquisition for the benefit of M/s Amara Jyothi Co-operative House Building Society. The fact that the land was restored to the petitioners in the earlier proceedings cannot, by itself, invalidate or nullify the independent acquisition proceedings initiated by Respondent No. 2 under the BDA Act. The earlier acquisition and the subsequent acquisition are distinct

proceedings and the legal effect of the notifications, award, taking over of possession and vesting of the land under the subsequent acquisition requires to be examined independently. The order under appeal does not adequately address this distinction.

29. The learned Single Judge has also accepted the contention of the petitioners regarding possession by observing that there was no clinching material to establish that possession was taken under the impugned notifications. In doing so, the learned Single Judge has not sufficiently considered the specific stand of Respondent No.2 that possession was taken on 13.12.1999, handed over to the Engineering Section and that the compensation amount was deposited before the competent Civil Court. The question whether possession was in fact taken and whether the statutory requirements relating to vesting were complied with are matters which ought to be considered with reference to the acquisition records, including the award, possession mahazar, handing-over proceedings and the notification under Section 16(2) of

the Act. The finding recorded without a complete examination of the said material cannot be sustained.

30. The objection regarding delay and laches also merits acceptance. The acquisition proceedings commenced several years prior to the filing of the writ petition and, according to Respondent No.2, the writ petition was instituted after an inordinate delay of nearly 15 years. The petitioners had not challenged the acquisition notifications at the appropriate stage. Mere subsequent restoration in the earlier acquisition proceedings cannot automatically explain the entire delay in challenging the independent acquisition proceedings initiated by Respondent No.2. The learned Single Judge, in our view, has not properly appreciated the distinction between the earlier restoration proceedings and the delay in questioning the acquisition undertaken for the formation of J.P. Nagar VIII Phase Layout.

31. The writ petition has been filed after a substantial delay, long after the acquisition notifications and the passing of the award. The delay is not merely a

technical delay. During the intervening period, the acquisition proceedings have been acted upon and third-party rights and developmental activities have intervened. The award having been passed, and possession having been taken and handed over for development purposes, the land stands vested in the acquiring authority in accordance with Section 16 of the LA Act. The deposit of compensation before the competent Court, particularly where the landowners have not accepted the amount or have sought reference, supports the stand that the acquiring authority has taken steps towards discharge of its obligation.

32. The BDA asserts that possession was taken under the LA Act; possession was handed over to the engineering section on the same day; and the land was thereafter treated as land acquired for the formation of the layout. The taking of possession is not a mere formal or inconsequential step. It is the stage at which the acquiring authority asserts control over the acquired land and proceeds to utilise it for the public purpose for which it

was acquired. Therefore, where the records disclose the taking of possession and its handing over to the engineering or development section, the subsequent plea that the acquisition proceedings should be reopened after several years must be examined in the light of those subsequent events.

33. The principles reiterated by the Constitution Bench in ***Indore Development Authority (LAPSE-5 J.) v. Manoharlal***,¹ make it clear that a challenge to land acquisition proceedings must be brought within a reasonable time. Where the acquisition proceedings have progressed substantially, particularly where an award has been passed and possession has been taken, the Court should be slow to entertain a belated challenge. We may note some observations of the Supreme Court as below:

"346. *In matters of land acquisition, this Court has frowned upon, and cautioned courts about delays and held that delay is fatal in questioning the land acquisition proceedings. In case possession has not been taken in accordance with law and vesting is not in accordance with Section 16, proceedings before*

¹ (2020) 8 SCC 129.

courts are to be initiated within reasonable time, not after the lapse of several decades.”

34. It was also reiterated that under Section 16 of the LA Act, once the award is passed and possession is taken, the land vests absolutely in the Government, free from all encumbrances. The important principle is that vesting takes place upon the passing of the award, followed by taking of possession. Once possession is taken in accordance with law, the original owner loses title to the land and the Government becomes the absolute owner. Where a person is aware of the alleged infringement of his rights but does not approach the Court within a reasonable time, such conduct may amount to waiver or acquiescence. The Court further holds that stale claims should not be entertained merely because the statute does not prescribe a specific period of limitation. The constitutional remedy under Article 226 of the Constitution remains discretionary and is subject to the principles of delay, laches and public interest.

35. Thus, in the present case, the fact that the writ petition has been filed after a considerable lapse of time, despite the acquisition proceedings, award and possession having taken place earlier, is a relevant circumstance against granting relief.

36. It may also be relevant to note some observations of the Hon'ble Supreme Court in ***Banda Development Authority v. Moti Lal Agarwal***,² wherein it was held as follows:

"16. In our view, even if the objection of delay and laches had not been raised in the affidavits filed on behalf of BDA and the State Government, the High Court was duty-bound to take cognizance of the long time gap of nine years between the issue of declaration under Section 6(1) and filing of the writ petition, and declined relief to Respondent 1 on the ground that he was guilty of laches because the acquired land had been utilised for implementing the residential scheme and third-party rights had been created. The unexplained delay of about six years between the passing of award and filing of the writ petition was also sufficient for refusing to entertain the prayer made in the writ petition.

17. It is true that no limitation has been prescribed for filing a petition under Article 226 of the Constitution but one of the several rules of self-imposed restraint evolved by the superior courts is that the High Court will not entertain petitions filed

² (2011) 5 SCC 394.

after long lapse of time because that may adversely affect the settled/crystallised rights of the parties. If the writ petition is filed beyond the period of limitation prescribed for filing a civil suit for similar cause, the High Court will treat the delay unreasonable and decline to entertain the grievance of the petitioner on merits.

x x x x x x x x

19. *In matters involving challenge to the acquisition of land for public purpose, this Court has consistently held that delay in filing the writ petition should be viewed seriously and relief denied to the petitioner if he fails to offer plausible explanation for the delay. The Court has also held that the delay of even few years would be fatal to the cause of the petitioner, if the acquired land has been partly or wholly utilised for the public purpose."*

37. The reliance placed upon the judgment in W.A. No.2161/2001 and the connected proceedings also does not, by itself, justify quashing the acquisition notifications relating to the subject land. The validity of each acquisition proceeding has to be determined on the basis of its own facts and the documents relating to the particular land. Unless the petitioners establish that the acquisition of the subject land is directly covered by the findings rendered in the said proceedings, the said judgments cannot be mechanically applied to the present case. The learned Single Judge has not recorded sufficient reasons to

demonstrate that the facts and documents relating to the subject land are identical to those considered in the earlier proceedings.

38. In the present appeal, an application for impleadment came to be filed on 10.07.2021, contending that the applicant was a necessary and proper party for the effective adjudication of the appeal. Upon consideration of the said application, it was brought to the notice of the Court that, after the writ petition came to be allowed, the petitioners had executed a sale deed dated 10.09.2013 in favour of one C.R. Ram Mohan Raju. The said transaction was thereafter confirmed by the concerned parties, and C.R. Ram Mohan Raju, in turn, executed a sale deed dated 25.05.2015 in favour of the impleading applicant. The impleading applicant claimed to be a public charitable trust constituted under a trust deed and asserted that it was a bona fide purchaser of the schedule property.

39. The impleading applicant further contended that it had constructed a building measuring approximately 2

lakh square feet on the schedule property and was running an engineering college therein for the preceding three years without any interruption or objection from the statutory authorities. In view of the interest claimed by the applicant in the subject property and the nature of the relief sought in the appeal, the impleading application came to be allowed and the applicant was brought on record as respondent No.5.

40. What requires serious consideration is the conduct of Respondent No.2-Bangalore Development Authority in preferring the present appeal. The order of the learned Single Judge was passed on 26.07.2013, whereas the writ appeal came to be filed only on 31.05.2018, after a lapse of nearly five years. In support of the application seeking condonation of delay, Respondent No.2 filed an affidavit explaining the circumstances in which the appeal was not preferred within the prescribed period. However, the explanation offered does not satisfactorily account for the prolonged inaction on the part of the Authority, particularly when the

subject matter concerns valuable land acquired for a public purpose.

41. The delay assumes greater significance in view of the subsequent transactions relating to the property. The petitioners have sold their property to one C.R. Ram Mohan Raju on 10.09.2013, after the decision by the learned single judge on 26.07.2013. The petitioners have filed objections to the application for condonation of delay filed by Respondent No. 2. An endorsement/communication issued by Respondent No.2 dated 11.03.2014 was relied upon, wherein it was stated that the acquisition proceedings had been quashed by the High Court and that no further acquisition notification had been issued thereafter. It was further stated that, relying upon the said communication, the Deputy Commissioner, Bengaluru, converted the land from agricultural to non-agricultural use, pursuant to which the property was subsequently conveyed to respondent No.5 on 25.05.2015.

42. The sequence of events is therefore of considerable importance. The order of the learned Single Judge was passed on 26.07.2013; the petitioners executed the sale deed in favour of C.R. Ram Mohan Raju on 10.09.2013; Respondent No.2 issued the communication dated 11.03.2014 to the Deputy Commissioner; C.R. Ram Mohan Raju thereafter conveyed the property to respondent No.5 on 25.05.2015; and the present appeal was filed only on 31.05.2018. Thus, Respondent No.2 failed to act with the degree of diligence expected of a statutory authority entrusted with the protection of public property.

43. The explanation offered for the delay, particularly in the better affidavit filed by Respondent No.2, reflects a disturbing degree of administrative laxity. The Bangalore Development Authority is constituted for the planned development of Bengaluru and is expected to protect and preserve the lands acquired for public purposes. Its failure to promptly challenge the order of the learned Single Judge has resulted in third-party rights being created over

the subject property and has materially complicated the effective implementation of the acquisition proceedings. Such conduct cannot be viewed as a mere procedural lapse or treated casually.

44. At the same time, the subsequent sale transactions or the construction put up by respondent No.5 cannot, by themselves, defeat a lawful acquisition or confer an indefeasible right contrary to the statutory proceedings. The rights claimed by the subsequent purchasers would necessarily remain subject to the result of the present appeal and to the legal effect of the acquisition proceedings as the appeal was pending on the date of purchase. The fact that respondent No.5 has constructed a building and is running an engineering college may require appropriate consideration while moulding the consequential relief, but it cannot legitimise an acquisition being defeated solely because the Authority failed to act in time.

45. The conduct of Respondent No.2 also raises a larger institutional concern. If the authorities entrusted

with the protection of acquired lands fail to challenge adverse orders within a reasonable time and permit third-party interests to arise, the very object for which the Authority has been constituted would be frustrated. Public servants are expected to act with integrity, diligence, accountability and a clear sense of responsibility, particularly when public property is involved. Any continued indifference in this regard would not only cause loss to the public exchequer but would also undermine the purpose of the acquisition itself.

46. In the circumstances, although the delay in filing the appeal is substantial and the conduct of Respondent No.2 deserves strong disapproval, the appeal cannot be dismissed solely on the ground of delay if the order under challenge is otherwise found to be legally unsustainable. The Court is required to balance the procedural lapse on the part of the Authority against the larger public interest involved in protecting land acquired for a public purpose. On an examination of the merits, the order of the learned Single Judge warrants interference. Accordingly, the

appeal deserves to be allowed, while leaving it open to the competent authority to take appropriate steps in accordance with law regarding the subsequent constructions and the interests claimed by the impleaded respondent.

47. Insofar as the present case is concerned, the records disclose that the award has been passed, possession of the acquired land has been taken and handed over to the Engineering Section of the BDA, and the compensation amount has been deposited before the competent Court. Consequently, upon the taking over of possession pursuant to the acquisition proceedings, the land stands vested in the Government free from all encumbrances. Such vesting is not undone merely because the petitioner has not personally received the compensation amount, particularly when the amount has already been deposited in accordance with law. Therefore, after permitting the acquisition proceedings to attain finality and allowing the award, deposit of compensation and taking over of possession to remain unchallenged for

several years, the petitioner cannot seek to reopen the acquisition at this belated stage. The subsequent administrative acts or omissions of the BDA, even if any, cannot divest the Government of the title already vested in it or revive a stale and time-barred challenge to the completed acquisition proceedings.

48. In that view of the matter, the findings recorded by the learned Single Judge cannot be sustained. The learned Single Judge has consequently erred in allowing the writ petition and in quashing the preliminary and final notifications insofar as the subject land is concerned. The impugned order therefore calls for interference.

ORDER

Accordingly, the appeal is allowed.

The order passed by the learned Single Judge is set aside and the writ petition filed by the petitioners is dismissed on the grounds of delay and laches, as well as on the ground that the acquisition proceedings are shown

by Respondent No.2 to have been completed in accordance with law.

The acquisition notifications relating to the subject land are consequently upheld.

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

**Sd/-
(H.SHANTHI BHUSHAN)
JUDGE**

KNM