



CNR: KAHC010067142025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF AUGUST, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN

WRIT APPEAL NO. 162 OF 2025 (LA-BDA)

BETWEEN:

DODDAIAH
SINCE DECEASED REP. BY LRS

1. SMT. RANGAMMA,
W/O LATE DODDAIAH,
AGED ABOUT 69 YEARS
2. SRI. HOTTAPPA. D
S/O LATE DODDAIAH,
AGED ABOUT 62 YEARS

YARAPPA. D S/O. LATE DODDAIAH,
SINCE DECEASED REP BY LRS.,

3. NEELAMMA,
W/O. YARAPPA. D,
AGED ABOUT 43 YEARS,
RESIDING AT NO. 3/1, 2ND CROSS,
JYNANABHARATHI BADAVANE,
NAGADEVANAHALLI,
DODDAGOLLARAHATTI.
4. SRI. THIMMAPPA
S/O LATE DODDAIAH,
AGED ABOUT 45 YEARS
5. SMT. SHILPA NAGARAJ
W/O. LATE NAGARAJ,
AGED ABOUT 36 YEARS

Digitally
signed by
MALAK N
Location:
High Court
of Karnataka



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WA No. 162 of 2025**

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ALL APPELLANTS 1 TO 5 ARE
RESIDING AT NO. 3, DODDAGOLLANAHALLI,
NAGADEVANAHALLI,
BANGALORE VISHWAVIDAYALAYA,
BENGALURU SOUTH, KARNATAKA-560 056.

...APPELLANTS

(BY SRI. V.LAKSHMINARAYANA, SENIOR ADVOCATE FOR
SMT. ANUSHA.L., ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY THE SECRETARY TO GOVERNMENT,
URBAN DEVELOPMENT DEPARTMENT,
M.S. BUILDING, DR. AMBEDKAR VEEDHI,
BENGALURU-560 001.
2. THE BANGALORE DEVELOPMENT AUTHORITY
BY ITS COMMISSIONER,
DR. T. CHOWDAIAH ROAD,
KUMARA PARK WEST,
BENGALURU - 560 020.
3. THE SPECIAL LAND ACQUISITION OFFICER,
BANGALORE DEVELOPMENT AUTHORITY,
DR. T. CHOWDAIAH ROAD,
KUMARA PARK WEST,
BENGALURU - 560 020.

...RESPONDENTS

(BY SRI.B.RAVINDRANATH, AGA)

THIS WRIT APPEAL FILED U/S 4 OF THE KARNATAKA
HIGH COURT ACT PRAYING TO A) ISSUE A WRIT OF
CERTIORARI TO SET ASIDE THE ORDER DATED 23.11.2024
PASSED IN WP No. 141 OF 2014 AND ALLOW THIS PRESENT
WRIT APPEAL AND B) PASS ANY APPROPRIATE ORDERS OR
DIRECTIONS AS DEEMED FIT IN THE CIRCUMSTANCES OF THE
CASE.

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



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

ORAL JUDGMENT

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

The present appeal has been filed impugning the judgment and order dated 23.11.2024 passed by the learned Single Judge of this Court in W.P.No.141/2014 (LA-BDA).

2. For the sake of convenience, the parties are hereinafter referred to as they are arrayed before the learned Single Judge.

3. Briefly stated the facts are that, the deceased petitioner claims to be the owner of the lands bearing Sy.No.46/1 measuring 3 acres 15 guntas, Sy.No.46/2A measuring 23 guntas, Sy.No.46/2B measuring 1 acre 21 guntas, Sy.No.48/1 measuring 2 acres 34 guntas and Sy.No.48/2 measuring 1 acre 18 guntas situated at Nagadevanahalli Village, Kengeri Hobli, Bengaluru South



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Taluk. The Bangalore Development Authority ('BDA' for short) initiated acquisition proceedings for the formation of the "Jnanabharathi Layout" by issuing a Preliminary Notification dated 10.05.1989 under the Bangalore Development Authority Act, 1976, followed by a Final Notification dated 19.01.1994. The acquisition proceedings were challenged before this Court and thereafter, a subsequent Final Notification dated 07.10.1999 was also challenged. The proceedings ultimately travelled through writ petitions and writ appeals and culminated in the dismissal of the Special Leave Petitions in SLP(C) No.9079-84/2003 by the Hon'ble Supreme Court on 07.10.2010, thereby upholding the acquisition.

4. The grievance of the petitioners in the present proceedings was that, notwithstanding the earlier litigation, the acquisition had not been completed in accordance with law. They contended that no valid award had been passed in respect of the subject lands and that no mahazar had been properly drawn. They relied upon



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the interim order dated 03.03.2000 passed by this Court in W.P.Nos.5359-64/2000, whereby their dispossession had been stayed, and contended that the said order operated as a stay of the further acquisition proceedings as well. On this basis, they asserted that the subsequent award and possession proceedings were invalid and that the acquisition proceedings were liable to be declared as having lapsed under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 ('the Act of 2013' for short).

5. The petitioners further alleged that the award said to have been passed by the BDA was not binding upon them and that they had not been served with the requisite notice under Section 12(2) of the Land Acquisition Act, 2013. They therefore, sought a declaration that the acquisition proceedings had lapsed and also questioned the validity of the award and the subsequent proceedings. In the alternative, they sought liberty to



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pursue enhancement of compensation before the competent authority or Court.

6. The respondents, viz., the State Government, the Bangalore Development Authority and the Special Land Acquisition Officer, maintained that the acquisition proceedings had been validly initiated and had attained finality. The BDA had issued the Preliminary Notification dated 10.05.1989 and the Final Notification dated 19.01.1994 for the formation of Jnanabharathi Layout. The subsequent litigation initiated by the petitioners was dismissed by this Court, the writ appeals were also dismissed and the Special Leave Petitions filed before the Hon'ble Supreme Court were dismissed on 07.10.2010. Thus, according to the respondents, there was no surviving challenge to the acquisition itself.

7. The BDA specifically disputed the contention that no award had been passed or that possession had not been taken. It produced the original records showing that separate awards had been passed in respect of the subject



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survey numbers i.e., on 12.05.2000, 10.05.2000, 17.05.2000 and 23.06.2000, as applicable—and that the Government had approved the awards. The records further disclosed that possession of the lands had been taken on 09.08.2000 and that possession to the extent available had thereafter been handed over to the Engineering Section of the BDA.

8. The respondents also contended that the petitioners were fully aware of the passing of the awards and the acquisition proceedings but had not taken timely steps to seek a reference for enhancement of compensation before the competent Civil Court. Therefore, after such a long lapse of time, the petitioners could not seek a fresh award under the Act of 2013 or reopen the acquisition proceedings by contending that they had lapsed. The respondents consequently sought dismissal of the writ petition on the ground that the issue had already attained finality and that the present proceedings were barred by the principle of *res judicata*.



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9. The learned Single Judge first considered the effect of the earlier litigation and found that the acquisition proceedings had unquestionably attained finality. The challenge to the acquisition had been rejected by this Court, the writ appeals had also failed and the Hon'ble Supreme Court had dismissed the Special Leave Petitions on 07.10.2010. Therefore, the petitioners could not seek to reopen the acquisition proceedings in the present writ petition by giving the challenge a different form, namely, by seeking a declaration that the acquisition had lapsed or that a fresh award was required. The Court accordingly found force in the respondents' contention that the acquisition could not be reopened.

10. The Court then considered the argument concerning the interim order staying dispossession. It held that the interim order could not be treated as an order staying the entire acquisition proceedings. Once the writ proceedings were finally decided, the interim order merged with the final order. Consequently, the petitioners



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could not rely upon the earlier stay of dispossession to contend that the BDA was prohibited from passing the awards or taking further steps in the acquisition. The authorities relied upon by the petitioners were, therefore, held to be of no assistance in the facts of the case.

11. On examination of the original records, the Court found that the factual foundation of the petitioners' case was also incorrect. The BDA had passed awards in respect of the subject lands and had taken possession on 09.08.2000. The Government had approved the awards and the records demonstrated that possession had been handed over to the Engineering Section. The Court, therefore, held that the petitioners could not contend that there was no award or that the acquisition proceedings had remained incomplete.

12. In view of the acquisition proceedings having already been upheld and having attained finality before the Hon'ble Supreme Court, the Court held that the petitioners could not once again seek to challenge the



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acquisition by claiming that it had lapsed. The subsequent petition could not be used as a means of reopening an issue which had already been conclusively decided. The principle of finality of litigation therefore weighed heavily against the petitioners.

13. The Court further found, on the basis of the original records, that the awards had in fact been passed and possession had been taken. The petitioners were aware of the awards but had not taken appropriate steps to seek reference for enhancement of compensation at the relevant time. Their attempt to challenge the awards after a considerable lapse of time was, therefore, held to be unacceptable. Accordingly, the writ petition was dismissed both on the ground of *res judicata* and on merits. The Court declined to declare that the acquisition proceedings had lapsed and rejected the petitioners' attempt to reopen the concluded acquisition proceedings.



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14. The petitioners have preferred this intra-court appeal aggrieved by the said order of the learned Single Judge.

15. We have heard the arguments of Sri.V.Lakshminarayana, learned Senior Counsel on behalf of the petitioners and Sri.B.Ravindranath, learned Additional Government Advocate for the respondents/State perused the material available on record.

16. The learned Senior Counsel appearing on behalf of the petitioners contended that it is a settled proposition of law that an order staying dispossession operates as an inhibitive nature against the authorities from proceeding further with the acquisition proceedings. It was submitted that, once this Court had stayed the dispossession of the petitioners, the acquiring authority was restrained from taking any further steps in furtherance of the acquisition, including passing or acting upon an award. According to the petitioners, the learned Single Judge failed to appreciate the legal effect of the order of stay and



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erroneously proceeded on the premise that the stay was confined only to dispossession, whereas, in substance, the order interdicted further action in the acquisition proceedings.

16.1. It was further contended that the alleged award and the subsequent proceedings relied upon by the BDA could not have been accepted without proper proof of service. Learned Senior Counsel further submitted that there was no material placed before the Court to establish that the petitioners had been duly served with the requisite notice nor was a copy of the award accompanied with the notice said to have been issued to them. It was, therefore, argued that, in the absence of such material, the learned Single Judge ought not to have proceeded on the basis that the petitioners had due knowledge of the award or that the acquisition proceedings had been validly completed. The petitioners consequently contended that the findings recorded by the learned Single Judge on this aspect were contrary to the material available on record.



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16.2. The learned Senior Counsel also contended that the earlier proceedings and the present proceedings operate in different fields and that the present writ petition could not have been rejected merely by applying the principle of *res judicata*. It was submitted that the earlier proceedings related to the validity of the acquisition notifications, whereas the present proceedings concern the subsequent failure of the authorities to effectively implement the acquisition scheme. It was further urged that the Preliminary Notification contemplated acquisition of approximately 900 acres, whereas the Final Notification was restricted to 729.31 acres and according to the petitioners, the BDA had ultimately formed the layout only over about 410 acres and 34 guntas. On that basis, it was contended that there had been no substantial implementation of the scheme and that, in terms of Section 27 of the BDA Act, the scheme must be deemed to have lapsed. The learned Senior Counsel, therefore, submitted that the order of the learned Single Judge



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suffers from an error of law and is contrary to the principles laid down by the Hon'ble Supreme Court and consequently, deserves to be set aside and the relief sought by the petitioners ought to be granted.

17. Having heard the rival submissions, the question that, therefore, arises for our consideration is:

"Whether the judgment and order of the learned Single Judge dated 23.11.2024 in W.P.NO.141/2014 suffers from any illegality or infirmity warranting interference by this Court?"

18. Having considered the submissions of the learned counsel for the parties and having carefully gone through the order passed by the learned Single Judge, we are of the considered view that *the appeal does not warrant interference*. The acquisition proceedings in respect of the subject lands have a long history of litigation. The acquisition notifications were earlier challenged by the petitioners and the proceedings ultimately culminated in the dismissal of the Special Leave



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Petitions by the Hon'ble Supreme Court on 07.10.2010. Thus, the validity of the acquisition has attained finality. Once the acquisition proceedings have been upheld upto the Hon'ble Supreme Court, the petitioners cannot be permitted to indirectly reopen the same proceedings by seeking a declaration that the acquisition has subsequently lapsed.

19. The principal grievance of the petitioners before the learned Single Judge was that no valid award had been passed and that possession of the lands had not been taken. However, the learned Single Judge, after examining the original records, has recorded a categorical finding that awards had been passed in respect of the respective survey numbers and that possession of the subject lands had been taken by the BDA on 09.08.2000. The records also disclose that the awards were approved by the Government and that possession was thereafter handed over to the Engineering Section. In the face of these



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factual findings, the very basis on which the petitioners seek a declaration of lapse does not survive.

20. The contention that the interim order dated 03.03.2000, staying dispossession, operated as a stay of the entire acquisition proceedings also cannot be accepted. The interim order was confined to protection against dispossession and in any event, stood merged with the final order upon conclusion of the proceedings. The acquisition proceedings were ultimately upheld and the Special Leave Petitions were dismissed by the Hon'ble Supreme Court. Therefore, the petitioners cannot rely upon the interim order to contend that the BDA was divested of its authority to proceed with the acquisition or to pass the awards. The learned Single Judge has considered this aspect in detail and has rightly held that the judgments relied upon by the petitioners do not advance their case.

21. There is yet another circumstance, which weighs against the appellants. The awards were passed in



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the year 2000 and possession was also taken in the year 2000. The petitioners were admittedly aware of the acquisition proceedings and the awards, yet they did not take appropriate steps to seek a reference before the competent Civil Court at the relevant point of time. Having allowed the proceedings to attain finality and having approached the Court after considerable lapse of time, the petitioners cannot now seek to unsettle the acquisition on the premise that a fresh award ought to be passed under the Act of 2013. The learned Single Judge has rightly noticed this aspect while declining to entertain the belated challenge. More importantly, entertaining the present appeal would virtually amount to permitting the petitioners to achieve indirectly what they could not achieve directly. The validity of the acquisition having already been conclusively determined, the petitioners cannot circumvent the earlier judgments by recasting the relief as one for declaration of lapse. The principle of *finality of litigation* cannot be permitted to be defeated in such a manner. The



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finding of the learned Single Judge that the writ petition was liable to be dismissed not only on the ground of *res judicata* but also on merits is, therefore, fully supported by the material on record.

22. The principal reason for declining interference is that the acquisition proceedings have already travelled through several rounds of litigation and have ultimately attained finality with the dismissal of the Special Leave Petitions by the Hon'ble Supreme Court on 07.10.2010. The petitioners cannot now seek to reopen the validity of the acquisition proceedings by giving the challenge a different form, namely, by seeking a declaration that the acquisition has lapsed. The Constitution Bench in ***Indore Development Authority –vs- Manoharlal and Others***¹ has categorically held that Section 24 of the Act of 2013 does not provide a fresh cause of action to reopen concluded acquisition proceedings and that an earlier adjudication negating the challenge operates as *res*

¹ (2020) 8 SCC 129.



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judicata. The factual position recorded in the impugned order clearly establishes that the acquisition had been upheld upto the Hon'ble Supreme Court.

23. The second reason is that the very foundation on which the petitioners seek a declaration of lapse is not borne out from the record. The petitioners contend that no award had been passed and that possession had not been taken. However, the learned Single Judge has examined the original records and found that separate awards had been passed in respect of the subject lands and that possession had been taken on 09.08.2000. The awards had also been approved by the Government. Therefore, the case is not the one where the acquiring authority had remained inactive for the requisite period so as to attract the consequence of lapse. Under the law declared in the case of ***Indore Development Authority*** (*supra*), the twin requirements of non-taking of possession and non-payment/tender of compensation are material for a declaration of lapse; if one of the conditions is absent, the



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acquisition does not lapse under Section 24(2) of the Act of 2013.

24. The reliance placed by the petitioners on the interim order staying their dispossession also does not advance their case. The order of stay of dispossession cannot, in the facts of the present case, be treated as an order staying the entire acquisition proceedings. The learned Single Judge has rightly noticed that, upon final disposal of the proceedings, the interim order has merged with the final order. In any event, the records demonstrate that the awards were passed and possession was subsequently taken. The Supreme Court has also clarified that the period during which an interim order operates is to be excluded while considering the statutory period under Section 24(2) of the Act of 2013. Thus, the interim order cannot be used by the petitioners to manufacture a case of statutory lapse.



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25. There is also considerable force in the conclusion arrived at by the learned Single Judge that the petitioners have approached the Court after an inordinate delay. The awards were passed in the year 2000, possession was taken in 2000 and the acquisition proceedings attained finality before the Hon'ble Supreme Court in 2010. The petitioners were aware of the awards but did not take appropriate steps to seek a reference for enhancement of compensation at the relevant time. The learned Single Judge has specifically recorded that the petitioners were aware of the passing of the awards and failed to take timely steps. Such belated conduct cannot be permitted to unsettle a land acquisition which has long since attained finality.

26. In our considered opinion, the impugned order is a well-reasoned order based upon the pleadings, the earlier orders passed in the acquisition proceedings and importantly, the original records produced by the BDA. No perversity, jurisdictional error or error apparent on the



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face of the record has been demonstrated by the petitioners so as to warrant interference in an intra-court appeal. The learned Single Judge has considered all the material contentions raised by the petitioners and has assigned cogent reasons for rejecting them.

27. ***"Once the validity of the acquisition proceedings has been subjected to judicial scrutiny and has ultimately been upheld by the Hon'ble Supreme Court, the same cannot ordinarily be reopened in a subsequent proceeding by merely recasting the relief as one seeking a declaration of lapse. Such an approach would defeat the principle of finality attached to judicial decisions and would amount to reopening a concluded acquisition under the guise of Section 24 of the Act of 2013. If such a course were permitted, it would result in successive rounds of litigation in respect of an acquisition which has already attained finality and would, in effect, open a Pandora's box."***



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28. For the aforesaid reasons, we find no merit in the appeal. The appellants have failed to demonstrate any ground warranting interference with the well-considered order of the learned Single Judge. The appeal is accordingly dismissed.

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

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

KNM
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