

HC-KAR



CNR: KAHC010082332015

NC: 2026:KHC:36004
WP No. 47195 of 2015

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 14TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE R. NATARAJ

WRIT PETITION NO. 47195 OF 2015 (LA-RES)

BETWEEN:

1. SMT. G. PUSHPA
W/O SRI. N. SATHYANANDA,
AGED ABOUT 52 YEARS,
R/AT. NO.65/2, 2ND CROSS,
6TH MAIN, 4TH BLOCK,
THYAGARAJANAGARA,
BENGALURU-560028
2. SRI. B.S. GUNDU RAO
S/O LATE SHAMANNA,
AGED ABOUT 82 YEARS,
RESIDING NEAR OLD BUS STAND,
KITTURU RANI CHENNAMMA ROAD,
GUNDLUPET-571111
CHAMARAJANAGARA TALUK

...PETITIONERS

(BY SRI. SANDEEP K., ADVOCATE)

AND:

1. STATE OF KARNATAKA
REP. BY ITS PRINCIPAL SECRETARY,
REVENUE DEPARTMENT,
M.S. BUILDING,
BENGALURU-560001.
2. THE SPECIAL DEPUTY COMMISSIONER
MYSURU DISTRICT,
MYSURU-570003.

Digitally
signed by
HEMALATHA J
Location:
HIGH COURT
OF
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3. THE ASSISTANT COMMISSIONER
KOLLEGALA SUB DIVISION,
KOLLEGALA-571440

...RESPONDENTS

(BY SRI. ADITYA DIWAKAR, ADDITIONAL GOVERNMENT ADVOCATE
FOR RESPONDENT NOS.1 TO 3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO DECLARE THAT THE ENTIRE LAND ACQUISITION PROCEEDINGS INITIATED BY VIRTUE OF PRELIMINARY NOTIFICATION UNDER SECTION 4(1) OF THE LAND ACQUISITION ACT IN NO.LAQ(1) SR.107/88-89 DATED 27.09.1990 GAZETTED ON 13.12.1990 VIDE ANNEXURE-A IS ILLEGAL AND QUASH THE SAME AND ETC.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE R. NATARAJ

ORAL ORDER

The petitioners have challenged the preliminary notification bearing No.LAQ(1) SR:107/88-89, dated 27.09.1990 gazetted on 13.12.1990, issued under Section 4(1) of the Land Acquisition Act, 1894 and also the final notification bearing No.RD.94.AQM.91, dated 17.12.1991 gazetted on 13.02.1992 under Section 6(1) of the Land Acquisition Act. They have also sought for a declaration that the award dated 18.12.1992 bearing No.LAQ.SR.9:88-89 is illegal. They have

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also sought for a declaration that the acquisition of 1 acre 3 guntas of land in Sy.No.32/1 of Baragi Village, Kasaba Hobli, Gundlupet Taluk, Mysuru District, has lapsed.

2. (i) Petitioners contend that the land measuring 1 acre 33 guntas in Sy.No.32/1 of Baragi village, Kasaba Hobli, Gundlupet Taluk, Mysuru District, was the ancestral property of petitioner No.2. The petitioner No.1 is the daughter of petitioner No.2. In the year 1976, the petitioner No.2 gifted 30 guntas of land in favour of Baragi Panchayath for public purposes. On these 30 guntas, a Government Hospital and a Veterinary Hospital are functioning. The remaining 1 acre and 3 guntas has throughout been in possession of the petitioners. Petitioner No.1 claims that petitioner No.2 has given away 1 acre 3 guntas to her towards 'Arishina Kumkuma' at the time of her marriage.

(ii) Petitioners contend that the State Government had issued a preliminary notification under Section 4(1) of the Land Acquisition Act, dated 27.09.1990 gazetted on 13.12.1990 proposing to acquire 1 acre 3 guntas of land in Sy.No.32/1 of Baragi village, Kasaba Hobli, Gundlupet Taluk, Mysuru District.

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Following this, a final notification dated 17.12.1991 published in the official gazette on 13.02.1991 was issued under Section 6(1) of the Land Acquisition Act. Thereafter, an award was passed on 18.12.1992. Petitioners claim that petitioner No.1 had participated in the award proceedings and had sought for compensation. They contend that even after an award was passed, possession of the property was not taken, which is evident from an endorsement dated 30.09.2014 issued by the Assistant Commissioner in LAQ No.109/1998-99. They also contend that no notification under Section 16(2) of the Land Acquisition Act was issued.

3. The learned counsel for the petitioners reiterated the above contentions and submitted that though an award was passed, the respondents have not taken steps to deposit the same. Therefore, he submits that the possession of the property acquired is not taken over and hence, the acquisition has lapsed in view of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (henceforth referred to as 'Act of 2013').

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4. When this petition was listed for 'Preliminary Hearing - B Group', this Court had called upon the learned Additional Government Advocate to secure instructions whether an award is passed in respect of the land in question and whether the compensation is paid to the petitioners or deposited before the appropriate Court.

5. The learned Additional Government Advocate has filed a memo today, enclosing therewith a copy of the award passed in respect of Sy.No.32/1 measuring 1 acre 3 guntas. He has also placed on record a communication dated 14.03.1996 addressed by the Sub-Divisional Officer, Nanjanagud, to the Chief Executive Officer, Zilla Panchayath, Mysuru, to deposit a sum of Rs.20,179/-. There is a reference in this letter about the land owners compelling the Sub-Divisional Officer to pay the compensation. Another letter dated 13.12.1993 is also placed on record addressed by the Sub-Divisional Officer, Nanjanagud to the Administrator of Baragi Mandal Panchayath stating that the compensation of Rs.13,870/- is not deposited. Another letter dated 28.09.1993 addressed by the Sub-Divisional Officer, Nanjanagud to the

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Administrator of Baragi Mandal Panchayath is placed on record in terms of which, compensation of Rs.8,661/- was ordered to be deposited. A letter dated 24.07.1993 addressed by the Sub-Divisional Officer, Nanjanagud to the Administrator of Baragi Mandal Panchayath, shows that the Land Acquisition Officer had called upon the Panchayath to deposit a sum of Rs.8,661/- towards compensation. Finally, a letter dated 12.08.1993 addressed by the Baragi Mandal Panchayath to the Sub-Divisional Officer, Nanjanagud, is enclosed, where it shows that no steps were taken by it to deposit the compensation.

6. The learned Additional Government Advocate after securing instruction submitted that though an award was passed, the compensation is not offered to the petitioners or deposited before the Civil Court.

7. In view of the aforesaid submission, since the respondents have failed to pay compensation and have failed to take possession of the acquired land, the acquisition is bound to lapse under Section 24(2) of the Act of 2013.

8. Accordingly, the following order is passed.

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ORDER

(i) The petition is ***allowed***.

(ii) The preliminary notification bearing No.LAQ(1) SR:107/88-89, dated 27.09.1990 gazetted on 13.12.1990, issued under Section 4(1) of the Land Acquisition Act, 1894 and also the final notification bearing No.RD.94.AQM.91, dated 17.12.1991 gazetted on 13.02.1992 under Section 6(1) of the Land Acquisition Act, 1894, are declared as lapsed.

(iii) In view of the above, the revenue entries, if any, in the name of the State Government in the revenue records relating to Sy.No.32/1 of Baragi Village, Kasaba Hobli, Gundlupet Taluk, Mysuru District, shall stand deleted and the name of the petitioners shall stand restored.

**Sd/-
(R. NATARAJ)
JUDGE**

PMR
List No.: 1 Sl No.: 52