



CNR: KAHC010088622016

NC: 2026:KHC:35998
WP No. 37765 of 2016

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 15TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE R. NATARAJ

WRIT PETITION NO. 37765 OF 2016 (LA-RES)

BETWEEN:

M.D. LINGANNA
S/O LATE DEVAPPA
AGED ABOUT 60 YEARS,
R/AT MURUDAGALI VILLAGE,
JAYAPURA HOBLI
MYSORE TALUK AND DISTRICT.

...PETITIONER

(BY SRI. S. ANIL KUMAR, ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY ITS PRL. SECRETARY,
RURAL DEVELOPMENT,
VIKAS SOUDHA,
BANGALORE-560 001
2. THE LAND ACQUISITION OFFICER
MYSORE DISTRICT
MYSORE-570010.
3. THE ASSISTANT COMMISSIONER
MYSORE SUB DIVISION,
DEPUTY COMMISSIONER'S OFFICE BUILDING
MYSORE-570 010
4. THE TAHSILDAR
MYSORE TALUK,
MYSORE-570010

...RESPONDENTS

(BY SRI. ADITYA DIWAKAR, ADDITIONAL GOVERNMENT ADVOCATE
FOR RESPONDENT NOS.1 TO 4)

Digitally
signed by
HEMALATHA J
Location:
HIGH COURT
OF
KARNATAKA



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THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO CALL FOR RECORDS AND DECLARE THE ACQUISITION PROCEEDINGS, BY VIRTUE OF PRELIMINARY NOTIFICATION UNDER SECTION 4(1) OF LAND ACQUISITION ACT, 1894 IN NO.RD 307 AQM 70 DATED 14.10.1970 PUBLISHED IN MYSORE GAZETTE NOV 2012, 1970 AND FINAL NOTIFICATION UNDER SECTION 6 OF THE SAID ACT, IN NO.RD 49 AQM 72 DATED 25.04.1972 PUBLISHED IN MYSORE GAZETTE, MAY 25, 1972 UNDER ANNEXURES-F AND G IN RESPECT OF LAND SY.NO.16/1 MEASURING 22 GUNTAS, MURADAGALLI VILLAGE, JAYAPURA HOBLI, MYSORE TALUK, HAS LAPSED AND CONSEQUENTLY QUASH THE SAID NOTIFICATION CONCERNING THE PETITIONER'S LAND 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 petitioner has sought for a declaration that acquisition proceedings vide preliminary notification bearing No.RD 307 AQM 70 dated 14.10.1970 under Section 4(1) of the Land Acquisition Act, 1894 and the final notification bearing No.RD 49 AQM 72 dated 25.04.1972 under Section 6 of the Land Acquisition Act, has lapsed in so far as it relates to land in Sy.No.16/1 of Muradagalli Village, Jayapura Hobli, Mysuru



Taluk. The petitioner has also sought for a direction to the respondents not to interfere with his possession and enjoyment of the land in aforesaid survey number measuring 22 guntas.

2. (i) The petitioner contends that the land in Sy.No.16/1 of Muradagalli Village, Jayapura Hobli, Mysuru Taluk, measuring 2 acres 22 guntas belonged to one Sri. Kalingaiah. After his demise, it was inherited by his wife Smt. Maramma and his son Sri. Nallappa. The khata of the aforesaid land was transferred to the name of Smt. Maramma pursuant to MR No.2/73-74 and later to the name of her son during the year 1981-82. The petitioner claims that Smt. Maramma and her son sold the entire land in Sy.No.16/1 to him in terms of the sale deed dated 12.06.1984. Thereafter, revenue proceedings were initiated to enter the name of the petitioner in the revenue records in MR No.1/1984-85. After acceptance of the mutation proceedings, the name of the petitioner was entered in the RTC for the year 1985-86 to 2000-01.

(ii) The petitioner contends that he had mortgaged the land with the Mysore Taluk Primary Co-operative Agricultural and Rural Development Bank Limited, Nazarabad, Mysore and



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had raised a loan of Rs.45,000/- and sunk a well in the year 1986 in the aforesaid land. He claims that the well that was sunk was fitted with motor and pump-set which was serviced with electricity. He claims that he raised a crop loan from the Mysore Taluk Primary Co-operative Agricultural and Rural Development Bank Limited for raising coconut trees. He also developed the land for sericulture after raising a loan from the Mysore Taluk Primary Co-operative Agricultural and Rural Development Bank Limited. He claims that he fenced the entire property for which purpose he raised a loan from the Mysore Taluk Primary Co-operative Agricultural and Rural Development Bank Limited. He contends that there was a small tank situate in Sy.Nos.14 and 12 of the said village and there was a proposal to improve and expand the said water tank during the year 1968. After expansion, it was expected that some adjoining lands would submerge in the water. The Revenue inspector, Jayapura, identified the land in Sy.Nos.2/1, 2/2, 2/3, 10, 11, 13/1, 147, 13/2, 15 with sub numbers 1 to 6, Sy.Nos.16/1, 16/2 and 17 that would submerge under water. Thereafter, respondent No.1 issued a notification under Section



4(1) of the Land Acquisition Act in terms of the notification dated 14.10.1970 followed by final notification dated 25.04.1972. The petitioner contends that though the notifications were passed on the presumption that Sy.No.16/1 would go under water if the tank is filled to its capacity, none of the lands notified have submerged till date. It is claimed that physical possession of the property is not taken and some of the owners whose lands were notified continue to be in possession and enjoyment with revenue records in their names. The petitioner therefore, has challenged the aforesaid notifications.

3. Learned counsel for the petitioner reiterated the above contentions and submitted that even after several years, the respondents have not taken any further steps to take over possession of the notified lands. He also contends that no award is passed.

4. Per contra, the learned Additional Government Advocate has filed a memo and enclosed therewith an award which shows that predecessor of the petitioner had received the award on 20.03.1974 itself in respect of 22 guntas in



Sy.No.16/1. Learned Additional Government Advocate further submits that since acquisition was for the purpose of development of the tank, the possession of the property was not taken over.

5. I have considered the submissions of the learned counsel for the petitioner as well as the learned Additional Government Advocate for the respondents.

6. A perusal of the notifications impugned in this writ petition would indicate that the land bearing Sy.No.16/1 amongst other lands were proposed for acquisition as they were identified as lands that could submerge when the tank is filled with water to its maximum capacity. The petitioner had purchased the property long after the preliminary notification was issued and after his vendor had received award in respect of 22 guntas of land. Therefore, it cannot lie in the mouth of the petitioner that the award is not passed and the compensation is not paid. If the petitioner has purchased the entire extent of land in Sy.No.16/1 including 22 guntas of land that was notified, he may continue in possession until he is either lawfully dispossessed by the respondents in accordance



with law. The petitioner therefore, has no locus to assail the notifications impugned and cannot also contend that the notifications have lapsed under Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

7. In that view of the matter, this petition is ***disposed off*** upholding the impugned notifications. However, if the petitioner is in possession, he may protect his possession in accordance with law until he is lawfully dispossessed by the respondents.

Sd/-
(R. NATARAJ)
JUDGE