

**WA No. 204 of 2022
C/W WA No. 608 of 2022
WA No. 609 of 2022**

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 22ND DAY OF JULY, 2026

PRESENT

THE HON'BLE MRS. JUSTICE ANU SIVARAMAN

AND

THE HON'BLE MR. JUSTICE VENKATESH NAIK T

WRIT APPEAL NO.204 OF 2022 (LA-KIADB)

C/W

WRIT APPEAL NO.608 OF 2022 (LA-KIADB)

WRIT APPEAL NO.609 OF 2022 (LA-KIADB)

IN WA NO.204/2022

BETWEEN:

SMT. C. SHASHIKALA
W/O. M. JAYARAM
AGED ABOUT 44 YEARS
RESIDENT OF IGGALURU VILLAGE
ATTIBELE HOBLI
ANEKAL TALUK
BENGALURU URBAN DISTRICT-560 081.

...APPELLANT

(BY SRI DR. S. ARMUGAM, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
DEPARTMENT OF INDUSTRIES AND COMMERCE
REPRESENTED BY ITS SECRETARY
VIKASA SOUDHA, DR. AMBEDKAR VEEDHI
BENGALURU-560 001.
2. THE KARNATAKA INDUSTRIAL AREA DEVELOPMENT BOARD
RASHTROTHANA BUILDING
NRUPATHUNGA ROAD
BENGALURU-560 001
REPRESENTED BY ITS

EXECUTIVE MEMBER.

3. THE SPECIAL LAND ACQUISITION OFFICER
KARNATAKA INDUSTRIAL AREA
DEVELOPMENT BOARD
NO.3/2, ARAVIND BHAVAN
NRUPATHUNGA ROAD
BENGALURU-560 001.
4. M/S. PALRECHA INFRASTRUCTURE AND DEVELOPERS
A REGISTERED PARTNERSHIP FIRM
OFFICE AT 203, 2ND FLOOR
BATAVIA CHAMBERS
KUMAR PARK ROAD
BENGALURU-560 001
REPRESENTED BY ITS PARTNER
SRI PRAVEEN SHAH
AGED ABOUT 41 YEARS
RESIDING AT NO.286, 17TH CROSS
8TH MAIN, UPPER PALACE ORCHID
SADASHIVANAGAR
BENGALURU-560 080.

...RESPONDENTS

(BY SRI G.S. ARUNA, H.C.G.P. FOR R-1;
SRI B.B. PATIL, ADVOCATE FOR R-2 AND R-3
SRI KIRAN J., ADVOCATE FOR R-4)

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THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT PRAYING TO SET ASIDE THE ORDER DATED 15-12-2021 PASSED IN WRIT PETITION NO.48591 OF 2016 (LA-KIADB) AND BY THE LEARNED SINGLE JUDGE IN THE INTEREST OF JUSTICE AND EQUITY AND ETC.

IN WA NO.608/2022

BETWEEN:

1. SRI BALARAJ
S/O. LATE V. MUNIYAPPA
AGED ABOUT 63 YEARS
RESIDENT OF IGGALURU VILLAGE
CHANDAPURA POST
ANEKAL TALUK
BENGALURU URBAN DISTRICT-560 099.

WA No. 204 of 2022
C/W WA No. 608 of 2022
WA No. 609 of 2022

2. SRI LOKESH
S/O. SRI NARAYANAPPA
AGED ABOUT 38 YEARS
RESIDENT OF IGGALURU VILLAGE
CHANDAPURA POST
ANEKAL TALUK
BENGALURU URBAN DISTRICT-560 099.
3. SRI LAKSHMAIAH
S/O. LATE MUNISWAMAPPA
AGED ABOUT 65 YEARS
RESIDENT OF IGGALURU VILLAGE
CHANDAPURA POST
ANEKAL TALUK
BENGALURU URBAN DISTRICT-560 099.

...APPELLANTS

(BY SRI V. LAKSHMINARAYANA, SENIOR COUNSEL FOR
SRI K.R. RAMESH REDDY, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
DEPARTMENT OF INDUSTRIES AND COMMERCE
REPRESENTED BY ITS SECRETARY
VIKASA SOUDHA, DR. AMBEDKAR VEEDHI
BENGALURU-560 001.
2. THE KARNATAKA INDUSTRIAL AREA DEVELOPMENT BOARD
RASHTROTHANA BUILDING
NRUPATHUNGA ROAD
BENGALURU-560 001
REPRESENTED BY ITS
EXECUTIVE MEMBER.
3. THE SPECIAL LAND ACQUISITION OFFICER
KARNATAKA INDUSTRIAL AREA
DEVELOPMENT BOARD
NO.3/2, ARAVIND BHAVAN
NRUPATHUNGA ROAD
BENGALURU-560 001.
4. M/S. PALRECHA INFRASTRUCTURE AND DEVELOPERS
A REGISTERED PARTNERSHIP FIRM
OFFICE AT 203, 2ND FLOOR
BATAVIA CHAMBERS

WA No. 204 of 2022
C/W WA No. 608 of 2022
WA No. 609 of 2022

KUMAR PARK ROAD
BENGALURU-560 001
REPRESENTED BY ITS PARTNER
SRI PRAVEEN SHAH
AGED ABOUT 41 YEARS
RESIDING AT NO.286, 17TH CROSS
8TH MAIN, UPPER PALACE ORCHID
SADASHIVANAGAR
BENGALURU-560 080.

...RESPONDENTS

(BY SRI G.S. ARUNA, H.C.G.P. FOR R-1;
SRI B.B. PATIL, ADVOCATE FOR R-2 AND R-3
SRI KIRAN J., ADVOCATE FOR R-4)

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THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE
KARNATAKA HIGH COURT ACT PRAYING TO SET ASIDE THE
ORDER DATED 15-12-2021 PASSED IN WRIT PETITION
NO.59693 OF 2016 AND BY THE LEARNED SINGLE JUDGE AND
ETC.

IN WA NO.609/2022

BETWEEN:

1. SRI B. MUNIRAJU
S/O. LATE DODDABETTAPPA
AGED ABOUT 53 YEARS
RESIDENT OF IGGALURU VILLAGE
CHANDAPURA POST
ANEKAL TALUK
BENGALURU URBAN DISTRICT-560 099.
2. SRI B. UMESH
S/O. LATE SRI CHIKKABETTAPPA
AGED ABOUT 44 YEARS
RESIDENT OF IGGALURU VILLAGE
CHANDAPURA POST
ANEKAL TALUK
BENGALURU URBAN DISTRICT-560 099.

...APPELLANTS

(BY SRI V. LAKSHMINARAYANA, SENIOR COUNSEL FOR
SRI K.R. RAMESH REDDY, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
BY ITS SECRETARY
DEPARTMENT OF COMMERCE AND INDUSTRIES
VIDHANA SOUDHA
BENGALURU-560 001.
2. THE KARNATAKA INDUSTRIAL AREA
DEVELOPMENT BOARD
RACE COURSE ROAD
BENGALURU -560 001
REPRESENTED BY ITS
CHIEF EXECUTIVE OFFICER AND
EXECUTIVE MEMBER.
3. THE SPECIAL LAND ACQUISITION OFFICER
KARNATAKA INDUSTRIAL AREA
DEVELOPMENT BOARD
NO.3/2, ARAVIND BHAVAN
NRUPATHUNGA ROAD
BENGALURU-560 001.
4. M/S. PALRECHA INFRASTRUCTURE AND DEVELOPERS
A REGISTERED PARTNERSHIP FIRM
OFFICE AT 203, 2ND FLOOR
BATAVIA CHAMBERS
KUMAR PARK ROAD
BENGALURU-560 001
REPRESENTED BY ITS PARTNER
SRI PRAVEEN SHAH
AGED ABOUT 41 YEARS
RESIDING AT NO.286, 17TH CROSS
8TH MAIN, UPPER PALACE ORCHID
SADASHIVANAGAR
BENGALURU-560 080.

...RESPONDENTS

(BY SRI G.S. ARUNA, H.C.G.P. FOR R-1;
SRI B.B. PATIL, ADVOCATE FOR R-2 AND R-3
SRI KIRAN J., ADVOCATE FOR R-4)

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THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE
KARNATAKA HIGH COURT ACT PRAYING TO SET ASIDE THE

WA No. 204 of 2022
C/W WA No. 608 of 2022
WA No. 609 of 2022

ORDER DATED 15-12-2021 PASSED IN WRIT PETITION NO.2267 OF 2017 AND BY THE LEARNED SINGLE JUDGE AND ETC.

THESE WRIT APPEALS HAVING BEEN HEARD AND RESERVED ON 9-6-2026, COMING ON FOR PRONOUNCEMENT, THIS DAY, **VENKATESH NAIK T. J.**, PRONOUNCED THE FOLLOWING:

CORAM: HON'BLE MRS. JUSTICE ANU SIVARAMAN
and
HON'BLE MR. JUSTICE VENKATESH NAIK T

CAV JUDGMENT

(PER: HON'BLE MR. JUSTICE VENKATESH NAIK T)

Heard learned counsel Dr. S. Armugam, learned Senior counsel, Sri. V. Lakshminarayana for Sri. K.R. Ramesh Reddy, learned counsel for the appellants, learned High Court Government Pleader Sri. G.S. Aruna for respondent No.1, Sri. B.B. Patil, learned counsel for respondent Nos.2 and 3 and learned counsel Sri. Kiran J, for respondent No.4 in the respective appeals.

2. W.A.No.204/2022, W.A.No.608/2022 and W.A.No.609/2022 are filed by the appellants/land losers/owners challenging the order of the learned Single Judge passed in W.P.No.48591/2016, W.P.No.59693/2016 and W.P.No.2267/2017 dated 15.12.2021, wherein, the learned

Single Judge dismissed the writ petitions filed by the petitioners. The particulars of the writ appeals are as under:-

Sl.No.	W.A.No.	W.P.No.	Sy.Nos.	Extent of land
1	204/2022	48591/2016	83/4	1 acre 36 guntas
2	608/2022	59693/2016	83/1	1 acre 3 guntas
3	609/2022	2267/2017	83/2	1 acre

3. The brief facts in W.A.No.204/2022 are:

The appellant Smt. C. Shashikala is the owner of the land bearing Sy.No.83/4, measuring 1 acres 36 guntas situated at Iggaluru village, Anekal taluk, Bengaluru Rural District. The aforesaid land was purchased by her father-in-law -Muniyappa under a registered sale deed dated 12.10.1978. Sri. Muniyappa, during his lifetime executed a registered *Will* dated 21.06.1991 in favour of the husband (Sri. M. Jayaram) of the appellant. Muniyappa died on 22.07.2000. Hence, Jayaram became the absolute owner of the land in question on the basis of the *Will*. On 02.03.2015, Sri. Jayaram executed a registered Gift deed in favour of the appellant bequeathing the aforesaid property in her favour. Hence, the appellant became the absolute owner of land bearing Sy.No.83/4. Her name has

been mutated in the revenue records and she has been paying taxes to the Government. When things stood thus, on 13.02.1996, the respondent-State issued a preliminary notification under Section 28(1) of the KIAD Act and thereby sought to acquire the land of the appellant for the purpose of establishment of an industrial area. On 16.04.1997, the respondent issued a final notification under Section 28(4) of KIAD Act. In the mean-while, respondent No.2- KIADB earmarked the appellant's property in favour of M/s. Himatsingka Seide Limited, but, the aforesaid company expressed that the land is not required for the company, accordingly, it has communicated to the KIADB on 06.10.2001 and also requested the KIADB for refund of payment made by them, in their favour. Hence, respondent Nos.2 and 3 have not taken the physical possession of the appellant's land and the appellant is in continuous possession of the aforesaid property. The appellant is cultivating coconut trees, flowers and other crops in her land uninterruptedly, in spite of the notifications issued by the respondents under KIAD Act. Respondent No.3 SLAO failed to take possession of the land and to pay the compensation to the appellant. Neither the appellant nor her husband has received any compensation from the respondents

and they never lost their possession over the land. However, respondent Nos.2 and 3 are now insisting the appellant for handing over the aforesaid lands. It is stated that the entire acquisition proceedings initiated by the respondents-State and KIADB are hit by the provisions of Section 24(2) of The Right to Fair Compensation and Transparency in a Land Acquisition, Rehabilitation and Resettlement Act, 2013. The officials of the respondent Board in the last week of August, 2016 came to the land in question and directed the appellant to vacate from the land in question or else they will take forceful possession. Therefore, the appellants challenged the impugned land acquisition notification in W.P.No.48591/2016.

Brief Facts in W.A.No.608/2022-

4. The appellants are the owners of the land bearing Sy.No.83/1 measuring 1 acre 3 guntas situated at Iggalur village, Anekal Taluk, Bengaluru Rural District. Sri. Muniyappa, the grandfather of the appellants was the owner of the aforesaid land. On 13.02.1996, the respondents issued preliminary notification under Section 28(1) of KIAD Act on 13.02.1996 and on 16.04.1997, a final notification was issued under Section 28(4) of the Act. The beneficiary of the

acquisition namely Himatsingka Seide Limited vide letter dated 06.10.2001 requested the Board to delete the lands made to the Board from acquisition as they are abandoning the project on the land in question. Thereafter, the respondent Board has not taken any further action to take possession of the land nor developed the land as an industrial area till today. The appellants are in peaceful possession, enjoyment and cultivation of the lands by raising the crops. The officials of the respondent Board in the last week of August 2016, directed the appellants to vacate the land in question. Therefore, the appellants challenged the acquisition proceedings by filing W.P.No.59693/2016 and same was dismissed by the learned Single Judge. Being aggrieved by the impugned order, the appellants are before this Court.

Brief Facts in W.A.No.609/2022-

5. The appellants are the owners of the land bearing Sy.No.83/2 measuring 1 acre situated at Iggaluru village, Anekal Taluk, Bengaluru Rural District. The land was acquired by Doddabettaappa, the father of the appellants. On 13.02.1996, the respondents issued preliminary notification under Section 28(1) of KIAD Act and on 16.04.1997, final

notification was issued under Section 28(4) of the Act. The beneficiary of the acquisition namely Himatsingka Seide Limited vide letter dated 06.10.2001 requested the Board to delete the lands from acquisition as they are abandoning the project on the land in question. The respondent Board thereafter has not taken any further action to take possession of the land nor developed the land as an industrial area till today. The appellants are in peaceful possession, enjoyment and cultivation of the lands by raising the crops. The officials of the respondent Board in the last week of August, 2016 directed the appellants to vacate the land in question. Therefore, the appellants challenged the impugned land acquisition notification in W.P.No.2267/2017. The learned Single Judge dismissed all the writ petitions by a common order dated 15.12.2021. Hence, these appeals.

6. Learned counsel Dr. Armugam and learned Senior counsel Sri. V. Lakshminarayana for the respective appellants contended that the impugned notification was issued against a dead person. Infact, the appellants are still in possession of their respective lands and as per mahazar drawn on 30.11.2016(Annexure-R12), there was no delay in filing the

writ petitions, since the respondents have not taken possession of the land. Further, the respondents have not passed the award individually and the names of the appellants finds place in the RTCs till the year 2023. More importantly, the allotment letters does not contain the survey numbers. As per Section 24(2) of 2013 Act, the acquisition is lapsed. The award in question is a draft one and it was not approved by the competent authority and hence there is no award in respect of the aforesaid lands which are subject matter of the acquisition proceedings and no compensation is paid to the land owners and hence the possession of the aforesaid lands have not been taken, which is evident from the orders of the Court. As per Annexure-G and J, the appellants are in possession of their respective lands. The impugned order dated 15.10.2021 passed by the learned Single Judge in the aforesaid writ petitions is contrary to the facts and documents produced by the appellants in the writ petitions. Further, the acquisition proceedings was initiated in the year 1996 and the possession came to be taken on 01.07.2014 and hence, there is a delay of 18 years in taking possession of the lands. Thus, the acquisition proceedings are lapsed as per the provision of repealed Land Acquisition Act. It is contended that the land of the appellants

as on today is still vacant, without development or putting up of ware house, as alleged. Therefore, the appellants are using the land for cultivation of potato and also other alternative crops including standing coconut trees nearly aged about 30 years. Hence, the notifications dated 13.02.1996 and 16.04.1997 does not survive subsequent to the enactment of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013(hereinafter referred to as the 'New Act'). Section 24(2) of the New Act clearly renders the entire acquisition proceedings lapsed when the award or compensation has been made after five years before the commencement of the New Act. The physical possession of the lands has not been taken by the respondents from the present appellants. The lands of the appellants and the surrounding areas are still under cultivation by the farmers/owners. The respondents have not established the industrial area in the intended area/lands inspite of the lapse of 23 years. The appellants are entitled to retain the aforesaid lands and hence the respondents need to be directed to de-notify the appellants' lands with respect of the acquisition proceedings.

7. Learned Senior Counsel relied upon the following decisions:-

1. Jaladi Suguna v. Satya Sai Central Trust and Others, reported in (2008) 8 SCC 521;
2. Munirajappa and Others v. State of Karnataka in W.P.No.45884/2013, disposed of on 25.02.2021;
3. Vaijayanti v. State of Karnataka, ILR 2014 KAR 4648;
4. Mallavva and Others v. State of Karnataka in W.P.No.103235/2021 disposed of on 15.11.2022;
5. Mallaiah Basalingayya Hiremath v. State of Karnataka, ILR 2012 KAR 3298;
6. Ram Autar Singh Yadav v. State of Uttar Pradesh and Others, 2024 SCC Online SC 6091;
7. Ultra Tech Cement Limited v. Mast Ram & Others, (2025) 1 SCC 798;
8. Dharnidhar Mishra (D) & Another vs. State of Bihar and Others, (2024) 10 SCC 605;
9. Gregory Patrao & Others v. Mangalore Refinery & Petrochemicals Limited & Others, (2022) 10 SCC 461;

10. Gajanan Kamlya Patil v. Additional Collector & Competent Authority (ULC) & Others, (2014) 12 SCC 523;
11. Kapilaben Ambalal Patel & Others v. State of Gujarat & Another, (2021) 12 SCC 95;
12. A.P. Electrical Equipment Corporation v. Tahsildar & Others, 2025 SCC Online SC 447;
13. Bangalore Soft Drinks Pvt Ltd & Another v. Bangalore Development Authority and Others in W.P.No.11022/2025 disposed of on 10.12.2025;
14. Sudha Bhalla Alias Sudha Punchi v. Rakesh Kumar Singh and Others in Contempt Petition (C) No.1278 of 2023.

8. Learned HCGP and learned counsel for respondents vehemently contended and justified the acquisition in question and the allotment of the subject industrial sites in favour of respondent M/s. Palrecha under allotment letters dated 18.12.2012 and 05.01.2013 and in consideration of the same, the respondent beneficiary paid a sum of Rs.21 crores and Rs.52 lakhs, thus, the conveyance in the form of lease-cum-sale came to be executed on 16.12.2013 and the possession

came to be delivered to respondent beneficiary on 01.07.2014. M/s. Palrecha constructed a huge ware house in the subject land. Further, the competent authority were issued sanction plan of KIADB and NOC have been issued by the Fire Department and the Karnataka State Pollution Control Board and completion certificate has also been issued to the beneficiary. It is contended that all development activities are done in the subject land. The acquisition being under 1966 Act, the provisions of Section 24 of the 2013 Act are not applicable. The appellants have filed writ petitions in the years 2016 and 2017 and no explanation is offered for enormous delay in challenging the acquisition in question. Further, the appellants have not approached the Court with clean hands, as in identical cases, the Coordinate Bench in the case of **K. Srinivas Murthy and others v. State of Karnataka** in W.P.No.3348/2018(LA-KIADB) and **Sri. Ananthaswamy v. The State of Karnataka and Others** in W.A.No.1451/2018(LA-KIADB) denied the relief to the appellants.

9. A perusal of the material available on record goes to show that preliminary notification was issued by the first respondent on 13.02.1996 and final notification was issued on

16.04.1997. On 06.10.2001, the Himatsingka Seide Limited sent requisition letter to KIADB for deletion of 3 acres 38 guntas of land at Iggaluru village, allotted to it, vide Annexure-K, in view of the revision in their project proposal, they do not require the land measuring 3 acres 38 guntas i.e., land bearing Sy.No.83/4 measuring 1 acre 36 guntas, 83/2 measuring 39 guntas and 83/1 measuring 1 acre 3 guntas. Thus, the company requested the authorities to de-notify these lands and refund the amount which they have already remitted towards allotment of lands.

10. In the mean-while, the SLAO, KIADB by its letter dated 30.06.2005(Annexure-R5) had deposited an award amount of Rs.5,64,678/- before the learned Prl. Civil Judge (Sr.Dn.) Bengaluru Rural District under Sections 30 and 31 of the Land Acquisition Act in Sy.No.83/4.

11. Later, on 09.08.2012, M/s.Palrecha Infrastructure and Developers made an application before the KIADB for allotment of 15 acres of industrial area land at Iggalur, Chandapura, Anekal Taluk, in order to setting up of Inland Container/ Logistics Depot/Logistic Park. On 07.09.2012, the State Level Single Window Clearance Committee(SLSWCC) meeting, the

project proposal was made to consider establishing a unit for setting up of Inland Container/Logistics depot/Logistic park. Hence, the Chief Executive Officer and Executive Member issued a letter dated 18.12.2012 to M/s.Palrecha Infrastructure and Developers allotting 15 acres of land in Sy.Nos.88, 89, 91/1, 92, 102 and 103 of Iggalur Village, Attibele Hobli, Anekal Taluk, Bangalore Rural District. On 05.01.2013, the CEO and Executive Member, KIADB addressed a letter to M/s. Palrecha Infrastructure and Developers stating that the KIADB has considered the request to allot 15 acres of land in Sy.Nos.78/2, 79, 82/P, 83/P, 89/P, 102, 88 and 103 of Iggaluru village, Attibele Taluk, Bangalore Rural District in lieu of the earlier allotment made in Sy.Nos.88, 89, 91/1, 91/2, 92, 102 and 103 of the same village. Later, the Under Secretary to the Government of India, Ministry of Commerce and Industries, New Delhi addressed a letter dated 20.03.2013 to M/s. Palrecha Infrastructure and Developers with respect to setting up of ICD at Attibele, Anekal Taluk, Bengaluru stating that the Government has approved the proposal for setting up Inland Container Depot at Attibele for handling the import and export cargo subject to the availability of customers alongwith other conditions. However, on 13.06.2013, KIADB cancelled the

allotment of lands made in favour of the respondent No.4(M/s. Palrecha Infrastructure and Developers) herein.

12. Aggrieved by the said order dated 13.06.2013, respondent No.4 herein filed W.P.No.27415/2013 before the learned Single Judge of this Court praying for relief to quash the notice of cancellation of allotment dated 13.06.2013 issued by the KIADB. On 27.06.2013, this Court granted interim order of stay of notice of cancellation of allotment made by KIADB. Thereafter, this Court by order dated 27.09.2013, disposed of W.P.No.27415/2013 directing the KIADB to keep in abeyance the communication dated 13.06.2013 for a period of five weeks and directed respondent No.4 M/s. Palrecha Infrastructure and Developers to secure the sanction of the finance and deposit the amount with the respondents within four weeks from the date of the said order. It was further directed that on such amount being deposited, the respondents shall forthwith take steps to put the respondent No.4 in possession of the land allotted in their favour and execute necessary documents in that regard. In compliance of the order of this Court, respondent No.4 made total payment of Rs.17,41,38,228/- on 30.10.2013 and made a further payment of interest of

Rs.1,18,98,968/- to KIADB on 07.02.2014. As the respondent KIADB did not comply with the order of the learned Single Judge passed in W.P.No.27415/2013, M/s. Palrecha Infrastructure and Developers, on 26.02.2014, filed CCC (Civil) No.593/2014 before the Division Bench, wherein a compliance report was filed by the respondent stating that the order has been complied with and possession certificate is also issued to the complainant(private respondent beneficiary) with liberty to take possession of the land allotted by the respondent. However, respondent No.2 -KIADB though complied with the order of this Court and issued the possession certificate, but failed to grant NOC with respect to setting up of project by respondent No.4 M/s. Palrecha.

13. Aggrieved by non-issuance of NOC by KIADB, respondent No.4-M/s. Palrecha filed one more writ petition in W.P.No.18336/2015 and this Court by order dated 29.06.2016 directed respondent No.2 KIADB to issue lease-cum-sale deed in respect of the aforesaid property.

14. In the mean-while, on 04.01.2014, M/s. Palrecha Infrastructure and Developers issued notice to KIADB to demarcate the land in Sy.No.15A, Sy.No.72/2, 79P, 82/P, 83/P,

89/P, 102 and 108 of Iggaluru Village, Athibele, Anekal Taluk, Bengaluru District and to hand over possession and also to take immediate steps to execute necessary documents. On 01.07.2014, KIADB issued possession certificate to M/s. Palrecha Infrastructure and Developers in respect of land bearing Sy.No.78/2P, 79/P, 82/P, 83/5, 83/4, 83/3P, 83/2, 83/1, 89P, 88, 102/P and 103/P of Iggalur Village, Anekal Taluk.

15. Whereas, the landowners have contended that the notifications at Annexures-G and H does not survive subsequent to the enactment of The Right to Fair Compensation and Transparency in the Land Acquisition, Rehabilitation and Resettlement Act, 2013. Section 24(2) of the New Act clearly renders the entire acquisition proceedings lapsed when the award or compensation has been made five years before the commencement of the new Act, but the physical possession of the lands have not been taken. The landowners further contended that they are still in possession and cultivating their respective lands. The physical possession of the lands were never taken by the respondents from the landlords. In respect of their claim, they also furnished certain

photographs to establish that they are in occupation and possession and cultivating their respective lands and thus, the respondents- beneficiary are not in physical possession of the said lands. It is also contention of the landowners that the respondents have not established the industrial area or done any developmental activities. In-fact, the landowners, more particularly, these appellants and the surrounding areas are still cultivated by the farmers/owners and as the respondents have not established the industrial area in the intended area in spite of lapse of 19 years, the appellants are entitled for return of their lands. Hence, the respondents need to be directed to de-notify the appellants' land with respect to the acquisition proceedings.

16. The perusal of impugned order, appeal memos and materials available on record go to show that the preliminary notification for acquisition was issued by the respondent-Government under Section 28(1) of 1966 Act on 13.02.1996 and the notice under Section 28(2) was issued on 29.02.1996 and the objections were filed by the landowners to the proposed acquisition seeking dropping of the proceedings on 01.05.1996. On 16.04.1997, Final notification came to be

issued under Section 28(4) and the Special Land Acquisition Officer, KIADB passed the general award under Section 11 of the Land Acquisition Act r/w Section 29(3) of the KIAD Act on 16.11.1999 and the Government approved the award in time. Therefore, the deposit of compensation was made before the Civil Court on 30.06.2005 under Sections 30 and 31 of the Land Acquisition Act, 1894.

17. As per the materials available on record, the KIADB executed the conveyance in the form of lease-cum-sale in favour of M/s. Palrecha on 16.12.2013 and possession was delivered to it on 01.07.2014. The record further demonstrates that M/s. Palrecha has put up the construction of new warehouses in the subject land. After receipt of approval of sanction plan issued by KIADB, NOC was secured by the Fire Department and Karnataka State Pollution Control Board and thus completion certificate was also issued to M/s. Palrecha. The photographs furnished along with the records also demonstrate that all the development activities were completed in the lands in question. It further reveals that the landowners had filed the writ petitions in the years 2016 and 2017 respectively. These appellants/landowners have not

offered any explanation as to why they knocked the doors of this Court after long delay in challenging the acquisition proceedings. Further, according to the landowners, the possession of the lands is retained by them and no compensation was granted to them. Further, the revenue records also reflect that crops are being grown there. On the contrary, the records reveal that KIADB acquired the land in question long ago, mahazar has also been drawn to that effect. Thus, the lands were acquired by the KIADB, which has granted compensation/deposited compensation before the concerned Court. Possession was taken and M/s. Palrecha developed the said lands and constructed huge warehouses. As M/s. Palrecha have developed the lands and constructed huge warehouses, mere entry of the name of landowners in the 'cultivators' column or 'owners' column and in the RTC extract that they are cultivating the lands assumes no importance, which is contrary to the factual aspects.

18. The records furnished by the appellants/land owners demonstrate that one Muniyappa was the owner of the land in question. He bequeathed the land in favour of his son Jayaram. Muniyappa died on 22.07.2000. Therefore, much prior to the

death of owner of the land, preliminary and final notifications were issued for acquisition of the lands in question. Whereas, the appellants have contended that the appellants are still in possession of the lands in question and no compensation was ordered in favour of the land losers. Whereas, the respondents M/s. Palrecha, KIADB and State vehemently contended that the possession has been taken under Ex-R12 mahazar dated 30.11.2016 and compensation is also deposited under Ex-R5. Hence, it is just and necessary to analyse Exs-R4, R5 and R12.

Annexure-R4

KARNATAKA INDUSTRIAL AREAS DEVELOPMENT BOARD

(A Government of Karnataka Undertaking)

*#14/3, 2nd Floor, R.P. Building, Nrupathunga Road,
Bangalore 560 001*

Phone: 22215383, 22215679, 22242006, 22215069,

Fax: 080-22217702

Website: www.kladb.in e-mail:

kladb@mall.kar.nic.in

No.IADB/HO/Allol/SUC-20397/3054/2012-13

Date:05-01-2013

M/s Palrecha Infrastructure & Developers,

R.P.A.D.

No. 203, Batavia Chambers,

Kumara Krupa Road,

Kumara Park Eastj

Bangalore-560001.

WA No. 204 of 2022
C/W WA No. 608 of 2022
WA No. 609 of 2022

Sir,

Sub: Allotment of 15 acres of land in Sy.Nos.78/2, 79/P, 82-P, 83-P, 89-P, 102, 88 and 103 of Iggalur Village, Attibele Hobli, Anekal Tq. Bangaore Dist. in lieu of earlier allotment made in Sy.No. 88, 89, 91/1, 91/2, 92, 102 & 103.

*Ref: 1. This Office Allotment letter
dt:18-12-2012*

2. Your Letter dt:24-12-2012

This is to inform you that, in consideration of your request you are hereby allotted 15 acres of land in Sy.Nos. 78/2, 79/P, 82-P, 83-P, 89-P, 102, 88 and 103 of Iggalur Village, Attibele Hobli, Anekal Tq, Bangaore Dist. in lieu of earlier allotment made in your favour in Sy.Nos. 88, 89, 91/1, 91/2, 92, 102 & 103 of the same Village, vide this Office allotment letter dt:18-12-2012. (copy of the sketch is enclosed).

All other terms & conditions stipulated in the allotment letter dt: 18-12-2012 remains un-altered.

Yours faithfully,

*Chief Executive Officer and Executive Member
(sic)*

WA No. 204 of 2022
C/W WA No. 608 of 2022
WA No. 609 of 2022

Annexure-R5

No.16/4/2011-Infra-1
Government of India
Ministry of Commerce and Industry
Department of Commerce
Infra-1

Udyog Bhavan, New Delhi
Dated: the 20th March, 2013

To
Chief Executive Officer
Palrecha Infrastructure & Developers
203, Batavia Chambers
Kumara Krupa Road
Kumara Park East
Bangalore -560001
Fax: 080-22263294.

Subject: Setting up of an ICD at Attible, Anekal
Taluk Bangalore by M/S. Palrecha
Infrastructure And Developers-Regd.,

Sir,

I am directed to refer to your letter dated 05th February 2011 on the subject mentioned above and to say that the Government has approved your proposal for setting up an Inland Container Depot at Attibele, Anekal Taluk, Bangalore for handling import and export cargo subject to the condition of availability of customs staff and the following terms and conditions:

- a) The letter of Intent holder shall take adequate steps to create proper infrastructure, keeping in view the indicative norms given in Parts A & B of the Guidelines for setting up inland container Depots/Container Freight Stations (ICDs/GFSSs) within a period of one year from the date of issue of this letter.
- b) Necessary bond and guarantees, as required, would be executed with the concerned Commissioner of Customs and Central Excise.
- c) The approval would be subject to cancellation in the event of violation of the customs and other laws of the land and Rules.
- d) A Quarterly progress report of the implementation shall be sent to the Ministry of Commerce.

WA No. 204 of 2022
C/W WA No. 608 of 2022
WA No. 609 of 2022

e) The working of the CFS will be open to review by the Inter Ministerial Committee.

2. The facility to be set up shall be fully computerised, with EDI compatibility and a minimum complement of equipment and accessories as necessary shall be made available at the facility. The indicative list of equipment/accessories considered necessary is annexed. The status regarding confirmation of the installation/availability of the items shall be furnished to the appropriate authorities to facilitate issue of requisite notification.

3. Please acknowledge receipt of this letter.

Yours Faithfully

Sd/-

(M.SA.Banerjee)

Under Secretary to the Govt. of
India

Tel. No.23062261/Extn: 512

Fax: 3063418

Copy to:

1. Ministry of Shipping, (kind attention: Shri. N.Muruganandam, Joint Secretary (Ports) Department of Shipping, Parivahan Bhavan, New Delhi.

2. Ministry of Railways, (kind attention: Shri Ajay Kumar Behera, Executive Director (Traffic Transport- Freight), Raj Bhavan, New Delhi.

3. Central Board of Excise and Customs, (kind attention: Shri. R.P.Singh, Director (Customs) Department of Revenue, North Block, New Delhi.

4. Central Board of Excise and Customs, (Kind attention: Shri.S.M.Bhatnagar, Joint Secretary (Customs) Department of Revenue, North Block, New Delhi.

5. Copy of the Commissioner of Customs, Commissionerate, P.B.O.5400, Central Revenue Building, Queens Road, Bangalore-560001.

(sic)

WA No. 204 of 2022
C/W WA No. 608 of 2022
WA No. 609 of 2022

Annexure-R12 mahazar

"The mahazar executed on 30.11.2013 in land bearing Sy.No.83/4 in Iggaluru village, Attibele Hobli, Anekal Taluk acquired for KIADB in the presence of the panch witness signed below.

Whereas, in the year 1996-97, the land in Sy.No.83:1, 83:2 and 83:4 of Iggaluru village, has been acquired from KIADB alongwith other Survey number lands and allotted to Palarick Infracstructures and Developments Company from Board.

The land in Sy.No.83:1, 83:2 and 83:4 are encroached, the company has filed W.P.No.18336 and 23531-23532:2015 in Honourable High Court for eviction of encroachment. In the order of High Court dated 29.06.2016 directed Special Land Acquisition Officer and Senior Officers of the Board to cooperate for evicting, if lands are encroached.

In accordance with the aforesaid order of the High Court, on this day means on date 31.11.2016, has been fixed for eviction of encroachment. As per this, visited these lands at morning, when we were about to start the procedure, Sri.. M. Jayaram, husband of Smt. Shashikala, owner of Sy.No.3:4 land in Iggaluru village, was present there, he has stated that there is injunction order from Hon'ble High Court concerned to this land and produced the Xerox copy of the order. When examined it, in W.P.No.48491:2016, Hon'ble Court has issued interim order on date 04.11.2016 and ordered to both the parties to maintain status-quo concerned to 1-36 land in Sy.No.83:4.

Later, concerned to remaining Sy.No.83:1 and 83:2 lands, the case has been filed in W.P.No.59693:95:2016 in Hon'ble High Court, order is pending. Applicants of WP case Sri. Balaraj, S/o. Muniyallppa and Lakshmayya, S/o. Muniswamappa have appealed for 10days time untill then, not to proceed any procedures in the land, since they are expecting the order. This appeal is accepted by Sri. Rajesh partner of company presented in the spot.

Sd/-

Company

Sd/-

Writ petitioners

*In my presence: Sd/- Spl. Land Acquisition officer-1,
30.01.2016.*

19. As per Ex-R6 dated 01.07.2014, the possession of land bearing Sy.Nos.78/2, 79/P, 82P, 83P, 89P, 102, 83/10 were taken by M/s. Palrecha. As per impugned order passed by learned Single Judge, the writ petitions were filed by erstwhile owners by name Smt. C. Shashikala, Sri. Balaraj, Sri. Krishnappa, Sri.Muniraju, Sri.Umesh and Sri. Muniswamaiah in (W.P.No.48591/2016), (W.P.No.59693/2016), (WP No.1997/2017), W.P.No.2267/2017) and (W.P.11542/2017) respectively.

20. However, the perusal of Annexure-J dated 06.10.2001 issued by Himatsingka Seide Limited, it reveals that the company requested the KIADB for deletion of 3 acres and 38 guntas of land at Iggaluru village, bearing Sy.No.83/4 measuring 1 acre 36 guntas, Sy.No.83/2 measuring 39 guntas and Sy.No.83/1 measuring 1 acre 3 guntas.

21. The perusal of the material available on record goes to show that the KIADB deposited compensation before the Reference Court, inspite of it, the appellants have taken the contention that since the possession is taken in the year 2016 and individual award has not been passed, thus, the acquisition in question is lapsed, thereby, the appellants are raising a new

ground under Section 24(2) of 2013 Act by contending that on the basis of the aforesaid provision, the acquisition of land in question is deemed to have been lapsed. Hence, it is necessary for us to delve into the matter afresh, inasmuch as, the Coordinate Bench of this Court in the case of **K. Srinivas Murthy & Another v. State & Others** dated 17.08.2020 and in the case of **Ananthaswamy v. State and Others** dated 02.03.2021 has already decided the issue in the aforesaid cases relying upon the judgment of Hon'ble Apex Court in the case of **Bangalore Development Authority & Another v. State of Karnataka and Another** reported in **(2018) 9 SCC 122**, **Mrs. Premakala Prabhakara Reddy v. State and Others** reported in **(2019) 3 AKR 657** and **Indore Development Authority v. Manohar Lal** reported in **AIR 2020 SC 1426**, wherein, it has been categorically held that Section 24(2) of 2013 Act is not applicable to an acquisition proceeding initiated under the provisions of the KIAD Act.

22. Before considering this point, it would be relevant to extract Section 24(2) of 2013 Act. Section 24 of 2013 Act reads as under:

"24. Land acquisition process under Act No. 1 of 1894 shall be deemed to have lapsed in certain cases: (1) *Notwithstanding anything contained in this Act, in any case of land acquisition proceedings initiated under the Land Acquisition Act, 1894-*

(a) where no award under section 11 of the said Land Acquisition Act has been made, then, all provisions of this Act relating to the determination of compensation shall apply; or

(b) where an award under said section 11 has been made, then such proceedings shall continue under the provisions of the said Land Acquisition Act, as if the said Act has not been repealed.

(2) Notwithstanding anything contained in sub-section (1), in case of land acquisition proceedings initiated under the Land Acquisition Act, 1894, where an award under the said section 11 has been made five years or more prior to the commencement of this Act but the physical possession of the land has not been taken or the compensation has not been paid the said proceedings shall be deemed to have lapsed and the appropriate Government, if it so chooses, shall initiate the proceedings of such land acquisition afresh in accordance with the provisions of this Act:

Provided that where an award has been made and compensation in respect of a majority of land holdings has not been deposited in the account of the beneficiaries, then, all beneficiaries specified in the notification for acquisition under section 4 of the said Land Acquisition Act, shall be entitled to compensation in accordance with the provisions of this Act."

23. The title or preamble to Section 24 reads as "Land acquisition process under Act No.1 of 1894" shall be deemed to have lapsed in certain cases. It is explicit, restricted in its scope

and not expansive in nature. It is only where the acquisition process has been initiated under LA Act, 1894 that the acquisition would lapse, on the existence of conditions as stated in sub-Section (2) of Section 24. Same is the case with regard to Clauses (a) and (b) of sub-Section (1) of Section 24.

24. The said Section has been interpreted by the Hon'ble Supreme Court in the case of ***Delhi Development Authority vs. Sukhbir Singh and others, [(2016) 16 SCC 258]*** (Sukhbir Singh). In said case, the acquisition was under the provisions of LA Act, 1894 and not under any other Central or State enactment. Further, it has been held as under:

"11. Section 24(1) begins with a non-obstante clause and covers situations where either no award has been made under the Land Acquisition Act, in which case the more beneficial provisions of the 2013 Act relating to determination of compensation shall apply, or where an award has been made under Section 11, land acquisition proceedings shall continue under the provisions of the Land Acquisition Act as if the said Act had not been repealed.

12. To Section 24(1)(b) an important exception is carved out by Section 24(2). The necessary ingredients of Section 24(2) are as follows:

(a) Section 24(2) begins with a non-obstante clause keeping sub-section (1) out of harm's way;

- (b) *For it to apply, land acquisition proceedings should have been initiated under the Land Acquisition Act:*
- (c) *Also, an award under Section 11 should have been made 5 years or more prior to the commencement of the 2013 Act;*
- (d) *Physical possession of the land, if not taken, or compensation, if not paid, are fatal to the land acquisition proceeding that had been initiated under the Land Acquisition Act:*
- (e) *The fatality is pronounced by stating that the said proceedings shall be deemed to have lapsed, and the appropriate Government, if it so chooses, shall, in this game of snakes and ladders, start all over again."*

25. The Hon'ble Supreme Court in *Anasuya Bai* while setting aside the judgment passed by the Division Bench of this Court has held as under:

"28. The Division Bench of the High Court by the impugned judgment however, has quashed the acquisition proceedings itself holding that they have lapsed. For this purpose, the High Court has taken aid of Section 24 of the new LA Act in the following manner: (Anasuya Bai case, SCC OnLine Kar. paras 13-14)

'13. It is also noted that the acquisition proceedings including preliminary and final declaration have been passed under the provisions of the KIAD Act. But there is no provision under the KIAD Act to pass an award and award has to be passed only under the provisions of the LA Act, 1894. If the award has to be passed under the LA Act, whether the new

Act can be pressed into service to hold the acquisition proceedings are lapsed on account of non-passing of award within a period of 5 years under Section 11. If the award is passed under the LA Act, the enquiry has to be conducted by the Deputy Commissioner or Collector before passing the award. Section 11A contemplates that if the award is not passed within 2 years from the date of publication of the final declaration, the entire proceedings for acquisition of the land shall automatically stands lapsed. It is no doubt true that the Hon'ble Supreme Court in M. Nagabhushana v. State of Karnataka has held that Section 11-A of the Act is no application in respect of the land acquired under the provisions of the Karnataka Industrial Areas Development Act. We have to consider in this appeal as to whether Section 24(2) of the new Act is applicable in order to hold that the acquisition proceedings deemed to be lapsed due to non-payment of compensation and non-passing of the award within a period of five years from the date of declaration and with effect from non-payment of compensation to the landowners.

14. The new Act does not say whether the Act is applicable to the land acquired under the provisions of the Karnataka Land Acquisition Act, 1894. What Section 24 says that if the award is not passed under Section 11 of the Act and the compensation is not paid within 5 years or more prior to new Act, if the physical possession of the land is taken or not especially the compensation is not paid or deposited in Court such proceedings deem to have been lapsed. In the instant case, it is not the case of the respondent that award is not required to be passed under the provisions of the LA Act. When the award is required to be passed under the LA Act, the respondents cannot contend that the provisions of the new Act cannot be made

applicable on account of nonpayment of compensation within a period of five years.'

29. This approach of the High Court, we find, to be totally erroneous. In the first instance, the matter is not properly appreciated by ignoring the important aspects mentioned in para 28 above. Secondly, effect of non-applicability of Section 11-A of the old LA Act is not rightly understood. The High Court was not oblivious of the judgment of this Court in **M. Nagabhushana case** which is referred by it in the aforesaid discussion itself. This judgment categorically holds that once the proceedings are initiated under the KIAD Act, Section 11-A of the old LA Act would not be applicable. Such an opinion of the Court is based on the following rationale: (**M. Nagabhushana case**, SCC pp. 420-22, paras 29-36)

"29. The appellant has not challenged the validity of the aforesaid provisions. Therefore, on a combined reading of the provisions of Sections 28(4) and 28(5) of the KIAD Act, it is clear that on the publication of the Notification under Section 28(4) of the KIAD Act i.e. from 30-3-2004, the land in question vested in the State free from all encumbrances by operation of Section 28(5) of the KIAD Act, whereas the land acquired under the said Act vests only under Section 16 thereof, which runs as under:

'16. Power to take possession.-

When the Collector has made an award under Section 11, he may take possession of the land, which shall thereupon vest absolutely in the Government, free from all encumbrances.'

30. On a comparison of the aforesaid provisions, namely, Section 28(4) and 28(5) of the KIAD Act with Section 16 of the said Act, it is clear that the

land which is subject to acquisition proceeding under the said Act gets vested with the Government only when the Collector makes an award under Section 11, and the Government takes possession. Under Section 28(4) and 28(5) of the KIAD Act, such vesting takes place by operation of law and it has nothing to do with the making of any award. This is where Sections 28(4) and 28(5) of the KIAD Act are vitally different from Sections 4 and 6 of the said Act.

31. A somewhat similar question came up for consideration before a three-Judge Bench of this Court in Pratap v. State of Rajasthan. In that case the acquisition proceedings commenced under Section 52(2) of the Rajasthan Urban Improvement Act, 1959 and the same contentions were raised, namely, that the acquisition notification gets invalidated for not making an award within a period of two years from the date of notification. Repelling the said contention, the learned Judges held that once the land is vested in the Government, the provisions of Section 11-A are not attracted and the acquisition proceedings will not lapse. (Pratap case, SCC p. 8, para 12).

32. In Munithimmaiah v. State of Karnataka, this Court held that the provisions of Sections 6 and 11-A of the said Act do not apply to the provisions of the Bangalore Development Authority Act, 1976 (the BDA Act). In SCC para 15 at p.335 of the Report this Court made a distinction between the purposes of the two enactments and held that all the provisions of the said Act do not apply to the BDA Act. Subsequently, the Constitution Bench of this Court in Offshore Holdings (P) Ltd. v. Bangalore Development Authority, held that Section 11-A of the said Act does not apply to acquisition under the BDA Act.

33. The same principle is attracted to the present case also. Here also on a comparison between the provisions of the said Act and the KIAD Act, we find that those two Acts were enacted to achieve

substantially different purposes. Insofar as the KIAD Act is concerned, from its Statement of Objects and Reasons, it is clear that the same was enacted to achieve the following purposes:

'It is considered necessary to make provision for the orderly establishment and development of industries in suitable areas in the State. To achieve this object, it is proposed to specify suitable areas for industrial development and establish a Board to develop such areas and make available lands therein for establishment of industries.'

*34. The KIAD Act is of course a self-contained code. The said Act is primarily a law regulating acquisition of land for public purpose and for payment of compensation. Acquisition of land under the said Act is not concerned solely with the purpose of planned development of any city. It has to cater to different situations which come within the expanded horizon of public purpose. Recently, the Constitution Bench of this Court in *Girnar Traders (3) v. State of Maharashtra* held that Section 11-A of the said Act does not apply to acquisition under the provisions of the Maharashtra Regional and Town Planning Act, 1966.*

*35. The learned counsel for the appellant has relied on the judgment of this Court in *Mariyappa v. State of Karnataka*. The said decision was cited for the purpose of contending that Section 11-A is applicable to an acquisition under the KIAD Act. In *Mariyappa* before coming to hold that provision of Section 11-A of the Central Act applies to the Karnataka Acquisition of Land for Grant of House Sites Act, 1972 (hereinafter "the 1972 Act"), this Court held that the 1972 Act is not a self-contained code. The Court also held that the 1972 Act and the Central Act are supplemental to each other to the extent that unless the Central Act supplements the Karnataka Act, the latter cannot function. The Court further held that both the Acts, namely, the 1972*

Act and the Central Act deal with the same subject. But in the instant case, the KIAD Act is a self-contained code and the Central Act is not supplemental to it. Therefore, the ratio in Mariyappa is not attracted to the facts of the present case.

36. Following the aforesaid well-settled principles, this Court is of the opinion that there is no substance in the contention of the appellant that acquisition under the KIAD Act lapsed for alleged non-compliance with the provisions of Section 11-A of the said Act. For the reasons aforesaid, all the contentions of the appellant, being without any substance, fail and the appeal is dismissed."

26. In fact, even in the case of *Anasuya Bai*, the Hon'ble Supreme Court has placed reliance on its decisions in **Munithimmaiah v. State of Karnataka [(2002) 4 SCC 326]** (Munithimmaiah), **Offshore Holdings (P) Ltd. v. Bangalore Development Authority [(2011) 3 SCC 139]** (Offshore Holdings), (arising under the Bangalore Development Authority Act, 1976 ('BDA Act' for short)) and **Girnar Traders (3) v. State of Maharashtra [(2011) 3 SCC 1]** (Girnar Traders (3)), to hold that the provisions of the LA Act, 1894 and the BDA Act, 1976 being distinct, Section 24(2) of 2013 Act, is not applicable to an acquisition under the BDA Act and also in so far as acquisition under the KIAD Act is concerned. Therefore, the aforesaid dictum is

conclusive and is squarely applicable to the cases on hand. Section 24 of 2013 Act does not apply to acquisition initiated under provisions of KIAD Act.

27. Thus, from the aforesaid dicta of the Hon'ble Supreme Court, the applicability of Section 24 of 2013 Act to acquisition of land under KIAD Act is excluded.

28. Moreover, the scheme and object of KIAD Act is different from LA Act, 1894. The KIAD Act has been enacted by Karnataka Legislature to make special provisions for securing the establishment of industrial areas in the State of Karnataka and generally to promote the establishment and orderly development of industries therein, and for that purpose to establish an Industrial Areas Development Board and for purposes connected with the matters aforesaid. Under Section 3(1), the State Government may, by notification, declare any area in the State to be an industrial area for the purposes of this Act along with the limits of the area to which it relates. Section 4 of the Act deals with alteration of industrial area by exclusion of any area from an industrial area or including additional area as may be specified by issuance of a

notification. Chapter III of the Act deals with establishment and constitution of the board. While the functions and powers of the Board are delineated in Chapter IV, Chapter V deals with finance, accounts and audit. Chapter VI deals with application of the Karnataka Public Premises (Eviction of Unauthorised Occupants) Act, 1974 and non-application of the Karnataka Rent Control Act, 1961, to Board premises. Chapter VII deals with acquisition and disposal of land. The provisions of Chapter VII apply to such areas from such dates as have been notified by the State Government under Sub-section (3) of Section 1. The procedure for acquisition of land is enunciated under Section 28 of the Act, which reads as under:

"28. Acquisition of land: (1) *If at any time, in the opinion of the State Government, any land is required for the purpose of development by the Board, or for any other purpose in furtherance of the objects of this Act, the State Government may by notification, give notice of its intention to acquire such land.*

(2) *On publication of a notification under sub-section (1), the State Government shall serve notice upon the owner or where the owner is not the occupier, on the occupier of the land and on all such persons known or believed to be interested therein to show cause, within thirty*

days from the date of service of the notice, why the land should not be acquired.

(3) After considering the cause, if any, shown by the owner of the land and by any other person interested therein, and after giving such owner and person an opportunity of being heard, the State Government may pass such orders as it deems fit.

(4) After orders are passed under sub-section (3), where the State Government is satisfied that any land should be acquired for the purpose specified in the notification issued under sub-section (1), a declaration shall, by notification in the official Gazette, be made to that effect.

(5) On the publication in the official Gazette of the declaration under sub-section (4), the land shall vest absolutely in the State Government free from all encumbrances.

(6) Where any land is vested in the State Government under sub-section (5), the State Government may, by notice in writing, order any person who may be in possession of the land to surrender or deliver possession thereof to the State Government or any person duly authorised by it in this behalf within thirty days of the service of the notice.

(7) If any person refuses or fails to comply with an order made under sub-section (5), the State Government or any officer authorised by the State Government in this behalf may take possession of the land and may for that purpose use such force as may be necessary.

(8) Where the land has been acquired for the Board, the State Government, after it has taken possession of the land, may transfer the land to

the Board for the purpose for which the land has been acquired."

29. Section 29 deals with payment of compensation, which is extracted as under:

"29. Compensation: (1) *Where any land is acquired by the State Government under this Chapter, the State Government shall pay for such acquisition compensation in accordance with the provisions of this Act.*

(2) *Where the amount of compensation has been determined by agreement between the State Government and the person to be compensated, it shall be paid in accordance with such agreement.*

(3) *Where no such agreement can be reached, the State Government shall refer the case to the Deputy Commissioner for determination of the amount of compensation to be paid for such acquisition as also the person or persons to whom such compensation shall be paid.*

(4) *On receipt of a reference under sub-section (3), the Deputy Commissioner shall serve notice on the owner or occupier of such land and on all persons known or believed to be interested herein to appear before him and state their respective interests in the said land."*

30. Section 30 of KIAD Act states that the provisions of the Land Acquisition Act, 1894 (Central Act 1 of 1894) shall *mutatis mutandis* apply in respect of an enquiry and award by the Deputy Commissioner, the reference to Court, the

apportionment of compensation and the payment of compensation, in respect of lands acquired under Chapter VII.

31. Thus, the main object of KIAD Act is establishment of industrial areas in the State and to promote orderly development of industrial areas and acquisition of land is incidental to the aforesaid object. Lands could be acquired only if the State Government is of the opinion that lands are required for the purpose of development by the Board, or for any other purpose in furtherance of the objects of the Act and not otherwise. Thus, the main object of the KIAD Act is not acquisition of land.

32. By contrast, the scheme of the LA Act, 1894, which is since repealed by 2013 Act, was an extra ordinary legislation to provide for acquisition of land for public purposes and for companies. Section 4 of the said Act dealt with publication of Preliminary Notification while Section 5-A provided for hearing objections with regard to the proposed acquisitions. Section 6 dealt with the issuance of a declaration and Final Notification that the land was required for a public purpose. The said declaration was conclusive evidence that the land was needed for a public purpose or for a Company, as the case may be.

After making such a declaration, the appropriate government could acquire the land in accordance with the Act. In fact, Part II of the LA Act, 1894, dealt with acquisition which contemplated procedure for the passing of an award; notifying persons interested and taking possession of the land. Part II of the said Act, dealt with the provisions dealing with enhancement of compensation by the reference Court by the land owner seeking a reference for a higher compensation. Part IV dealt with apportionment of compensation, while Part V of the said Act is concerned with payment. Acquisition of land for companies was dealt with in Part VII of the said Act and a special procedure was prescribed. Part VIII pertained to miscellaneous provisions.

33. Revisiting the words of Section 24 of the 2013 Act, what is significant to note is the fact that the said Section expressly refers to land acquisition proceedings initiated under the LA Act, 1894. The said Section does not incorporate the words “or **proceedings initiated under any other enactment**”. Therefore, the expression “land acquisition proceedings initiated under the LA Act, 1894” are significant and must be given its natural and plain meaning and the said

expression cannot be given an expansive interpretation by adding words to the provision, in the absence of the provision itself giving rise to any such implication. In this regard, the rules of interpretation of a statute would become relevant and reliance could be placed on guiding principles of interpretation of statute. One such principle is that the Court is not entitled to read words into a provision of an Act or Rule for, the meaning is to be found within the four corners of the provision of an act or rule, as in the instant cases. Therefore, while it is not permissible to add words or to fill in a gap or lacuna, on the other hand, effort should be made to give meaning to each and every word used by the legislature. Thus, the golden rule of construction is that the words of a provision of a statute, or rule must be first understood in the natural, ordinary or popular sense. Phrases and sentences must be construed according to their grammatical meaning, unless that leads to some absurdity or unless there is something in the context, or in the object of the statute to suggest the contrary. In other words, the golden rule is that the words of a statute prima facie be given an ordinary meaning. Natural and ordinary meaning of words should not be departed from "unless it can be shown that the legal context in which the words are used requires a different

meaning". Such a meaning cannot be departed from by the judges "in light of their own views as to policy" unless it is shown to adopt a purposive interpretation of the statute, which does not arise in the instant cases.

34. Section 24 of the 2013 Act must be interpreted having regard to the intention of the Parliament. In this regard, one cannot lose sight of the fact that 2013 Act repeals only LA Act, 1894, and not any other Central or State enactment dealing with acquisition. Therefore, what are sought to be saved under Section 24 of the 2013 Act, are those acquisitions initiated only under LA Act, 1894 and not any acquisition initiated under any other Central or State enactment. Therefore, the words "acquisition proceedings initiated under any other enactment" cannot be added or supplemented by the Court after the expression "in any case of land acquisition proceedings initiated under the Land Acquisition Act, 1894" under both sub-sections 1 and 2 of Section 24 of 2013 Act. Further, the short title of Section 24 of 2013 Act reads as "Land acquisition process under Act No. 1 of 1894 shall be deemed to have lapsed in certain cases." This is another indication that Section 24 applies only to

those acquisition "***initiated***" under the provisions of LA Act, 1894.

35. Further, Section 24 creates a new right in favour of land owners in as much as they are entitled to relief under certain circumstances as stipulated in Section 24 of the Act. One such relief is under subsection (2) of Section 24 of the Act, dealing with lapse of acquisition by a fiction. It is a deeming provision, provided the stipulations therein are complied with or the conditions mentioned therein exist. One overbearing condition is that the acquisition must have been initiated under the provisions of LA Act, 1894. Thus, if acquisition is initiated under any other Central or State enactment, Section 24 does not apply.

36. The reasons as to why Parliament has incorporated Section 24 in the 2013 Act are evident and not far to see. The said section creates a new right in favour of land owners whose lands have been acquired under the provisions of LA Act, 1894, which has been repealed and substituted by 2013 Act. The 2013 Act is not a substitution for other Central enactments pertaining

to acquisition of land or for that matter any other State enactment. Therefore, Section 24 uses the expression that the acquisition must have been initiated under the provisions of LA Act, 1894. But while creating a new right in favour of land owners under Section 24, Parliament at the same time has intended two further aspects: first, saving acquisition under LA Act, 1894 and second, not encroaching upon other Central or State enactments. As far as State enactments dealing with acquisitions are concerned, Parliament intentionally has not touched upon any State enactment.

37. The State enactment, such as KIAD Act in question, may have referred to certain provisions of LA Act, 1894, particularly with regard to determination of compensation and such other matters. Reference to LA Act, 1894 in the State enactments for certain purposes does not imply that the acquisition is initiated under LA Act, 1894. What is of prime importance for Section 24 of 2013 Act to apply is that acquisition proceedings must have been initiated under LA Act, 1894 and not any other law. Losing sight of this aspect would create confusion in

the applicability of Section 24 of 2013 Act. This is so, although, the State enactments may refer to the provisions of LA Act, 1894 for certain purposes.

38. Thus, 2013 Act has not only repealed the LA Act, 1894, but has substituted the said Act. The 2013 Act is a totally distinct enactment and a complete code by itself. Hence, for the aforesaid reasons, initiation of acquisition under State enactments such as KIAD Act is not the same as initiation of acquisition under LA Act, 1894.

39. Section 24 of the 2013 Act, which is in the nature of a saving clause has created new rights in favour of land owners whose lands had been acquired under LA Act, 1894. Sub-section (1), lays down the conditions when the land acquisition proceedings initiated under the LA Act, 1894, would be amenable to the provisions of 2013 Act or, continued under the provisions of the LA Act, 1894, on certain conditions or circumstances prevailing. Under sub-section (2) of Section 24, the Parliament has, by a deeming provision, intended that if certain conditions are

satisfied, the acquisition proceedings initiated under the LA Act, 1894, shall be deemed to have lapsed.

40. Therefore, for a declaration of lapse of acquisition, the pre-conditions or conditions precedent mentioned under sub-section (2) of Section 24 of the 2013 Act must apply. Most importantly the said conditions must prevail in an acquisition initiated under the provisions of the LA Act, 1894, and not with regard to acquisition initiated under any other enactment be it Central or State enactment. Therefore, before land owners could seek relief under sub-section (2) of Section 24 of 2013 Act, which is a right created in their favour, the basic postulate that must be borne in mind is to ascertain, in the first instance, as to under which law, acquisition has been initiated; whether under the provisions of the LA Act, 1894 or any other law. If it is under any other law, then in our view, Section 24 would not be applicable to such acquisitions. As already noted, KIAD Act, being distinct having a different object and scope and acquisition of lands being only incidental to the main object and scope under the said Act, the acquisition

proceedings initiated under the said Act cannot be considered on par, so as to hold that land acquisition proceedings initiated under the provisions of the KIAD Act are "land acquisition proceedings initiated under the provisions of the LA Act, 1894".

41. As already observed, Section 24 of the 2013 Act creates a new right in the land owners. For the exercise of said right, certain conditions have to exist, the most significant of them being, the initiation of proceedings for acquisition under the provisions of the LA Act, 1894. Therefore, the said words must be given a natural interpretation and not an expansive or wide interpretation, so as to extend the right under Section 24 even in respect of owners whose lands are subjected to acquisition under any State enactment, such as the KIAD Act or BDA Act or Karnataka Urban Development Act, 1987 (KUDA Act). In fact, the Parliament itself has been conscious of the fact that 2013 Act repeals and substitutes only LA Act, 1894, and not any other Central enactment or for that matter any other State enactment dealing with acquisition of lands. This is

evident from Section 105 of the 2013 Act, which reads as under:

"105. Provisions of this Act not to apply in certain cases or to apply with certain modifications: (1) *Subject to sub-section (3), the provisions of this Act shall not apply to the enactments relating to land acquisition specified in the Fourth Schedule.*

(2) *Subject to sub-section (2) of Section 106, the Central Government may, by notification, omit or add to any of the enactments specified in the Fourth Schedule.*

(3) *The Central Government shall, by notification, within one year from the date of commencement of this Act, direct that any of the provisions of this Act relating to the determination of compensation in accordance with the First Schedule and rehabilitation and resettlement specified in the Second and Third Schedules, being beneficial to the affected families, shall apply to the cases of land acquisition under the enactments specified in the Fourth Schedule or shall apply with such exceptions or modifications that do not reduce the compensation or dilute the provisions of this Act relating to compensation or rehabilitation and resettlement as may be specified in the notification, as the case may be.*

(4) *A copy of every notification proposed to be issued under sub-section (3), shall be laid in draft before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in disapproving the issue of the notification or both Houses agree in making any modification in the notification, the notification*

shall not be issued or, as the case may be, shall be issued only in such modified form as may be agreed upon by both the Houses of Parliament."

42. In view of the decisions cited supra, facts of the present cases, it is concluded that Section 24 of the Act does not take within its scope nor does it apply to acquisitions which have been initiated under the provisions of any other enactment, more particularly KIAD Act. The Section is restricted to only those acquisitions which have been initiated under the provisions of Land Acquisition Act, 1894 only. Subject to compliance of the conditions mentioned under sub-section (2) of Section 24, the land owner would be entitled to the deeming provision regarding lapse of acquisition and not otherwise. In **Premakala's** case, it was held that the erstwhile owners are not entitled to any declaration on the premise that the award has not been passed within the period of two years as stipulated under Section 11A of Land Acquisition Act, 1894 and therefore, the acquisition has lapsed. Similarly, it was held that no declaration under sub-section (2) of Section 24 of 2013 Act, on the premise that the award of compensation not having been made and physical possession not having been taken,

there is deemed lapse of acquisition, cannot also be granted in the instant cases.

43. Learned Senior Counsel for the appellants contended that notification was issued against a dead person by the Government.

44. We have perused the records, it clearly demonstrates that the respondent State Government/KIADB issued notice to all concerned, whose names were entered in the revenue records of the land, intended for acquisition.

45. Section 28(2) of the KIAD Act, reads as follows:-

"(2) On publication of a notification under sub-section (1), the State Government shall serve notice upon the owner of where the owner is not the occupier, on the occupier of the land and on all such persons known or believed to be interested therein to show cause, within thirty days from the date of service of the notice, why the land should not be acquired."

The object of the Section is to afford an opportunity of being heard to the owner or occupier and to all persons known or believed to be interested in the land. Where the notification

has been published in the concerned locality and objections have in fact been filed by the interested persons, the object of the provision stands satisfied. Further, in the instant cases, the Preliminary Notification was issued on 13.02.1996, the Final Notification was issued on 16.04.1997, and Muniyappa died on 22.07.2000. The notifications having been issued more than three years prior to Muniyappa's demise, and objections having in fact been filed by his son Jayaram on 13.03.1996, the contention of the learned Senior Counsel for the appellants that the notification was issued against a dead person has no merit.

46. Having regard to the judgments relied upon by the appellants, we are of the opinion that the same cannot be applied to the present cases. Therefore, the appellants cannot be granted any reliefs. The Coordinate Bench of this Court, more particularly, in *K. Srinivas Murthy's case* and *Ananthswamy's case* has elaborately dealt with similar issue and held that the erstwhile owners are not entitled to any reliefs, except, a remedy is available to the erstwhile land owners to seek release of the compensation amount from the reference Court in accordance with law.

WA No. 204 of 2022
C/W WA No. 608 of 2022
WA No. 609 of 2022

Accordingly, there is no merit in the writ appeals, accordingly, same are dismissed.

In view of the disposal of the writ appeals, the contempt petition filed by the complainant M/s. Palrecha Infrastructure and Developers is de-linked.

Sd/-
(ANU SIVARAMAN)
JUDGE

Sd/-
(VENKATESH NAIK T)
JUDGE

MN/-