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NC: 2026:KHC:21815-DB
WA No. 231 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 22ND DAY OF APRIL, 2026

PRESENT

HON'BLE MRS. JUSTICE ANU SIVARAMAN

AND

HON'BLE MS. JUSTICE TARA VITASTA GANJU

WA NO.231 OF 2023(LA-RES)

BETWEEN:

MR. MUNEGOWDA
S/O LATE CHIKKAPAPANNA,
AGED ABOUT 55 YEARS,
R/AT HANDRAHALLI VILLAGE,
CHAANNARAYAPATNA HOBLI,
DEVANAHALLI TALUK,
BANGALORE RURAL DISTRICT.

...APPELLANT

(BY SRI. S.G.PRASHANTH MURTHY., ADVOCATE FOR
SRI. M.ASWATHANARAYANA REDDY., ADVOCATE)

AND:

- 1 . STATE OF KARNATAKA
REP BY ITS SECRETARY,
REVENUE DEPARTMENT,
M.S.BUILDING,
BANGALORE-560 001.
- 2 . UNION OF INDIA,
MINISTRY OF DEFENCE,
GOVT. OF INDIA,
NEW DELHI.
- 3 . THE SPECIAL LAND ACQUISITION OFFICER,
III FLOOR, VISHWESWARAIAH TOWERS,
BANGALORE-560 001.

Digitally signed by
SUMATHY KANNAN
Location: BISH
COURT OF
KARNATAKA



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4 . THE ESTATE OFFICER,
THE DEFENCE RESEARCH
AND DEVELOPMENT ORGANIZATION,
DRDO TOWNSHIP, C.V.RAMAN NAGAR,
BANGALORE-560 096.

...RESPONDENTS

(BY SMT. PROMODHINI KISHEN., AGA FOR R1 & R3;
SMT. RAJASHEKAR., CGC FOR R2 & R4)

THIS WRIT APPEAL FILED U/S 4 OF THE KARNATAKA HIGH COURT ACT PRAYING TO CALL FOR RECORDS AND SET ASIDE THE ORDER OF THE LEARNED SINGLE JUDGE DATED 01.08.2022 PASSED BY THE WP NO-8994/2013 BY ALLOWING THIS APPEAL WITH COSTS. IN THE INTEREST OF JUSTICE AND EQUITY.

THIS APPEAL, HAVING BEEN RESERVED FOR JUDGMENT ON **24.03.2026**, COMING ON FOR PRONOUNCEMENT OF JUDGMENT, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MRS. JUSTICE ANU SIVARAMAN
&
HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORAL JUDGMENT

(**PER:** HON'BLE MS. JUSTICE TARA VITASTA GANJU)

1. The present appeal is filed by the appellant/petitioner seeking to challenge an order dated 01.08.2022 passed by the learned Single Judge in W.P.No.8994/2013 [hereinafter referred to as the "Impugned Order"]. By the Impugned Order, the learned Single Judge has dismissed the writ petition



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giving a finding that appellant/petitioner should agitate his contentions before the appropriate Forum/Court.

2. Briefly, it is the case of the appellant/petitioner that land bearing Survey No.109, admeasuring 1 acre situated at Handrahalli village, Channarayapatna Hobli, Devanahalli Taluk, Bangalore District, was granted by the Government to the father of the appellant/petitioner, Chikka Papanna by a Grant Certificate dated 29.09.1994. The appellant/petitioner sought to exercise his rights to the suit schedule property upon the death of his father. However, he was informed that acquisition proceedings had been initiated under a Preliminary Notification dated 09.08.1995 passed under Section 4(1) of the Land Acquisition Act, 1894 [hereinafter referred to as the "LA Act"], by which the property of the appellant/petitioner was acquired for the Defence Research & Development Organization (DRDO).

3. Subsequently, a public notice was also issued on 14.11.1995 *qua* the acquisition. It is the case of the appellant/petitioner that after the issue of the Preliminary Notification, no Final Notification was issued by the



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respondents and hence, the petition was filed seeking the following reliefs:

"(a) Issue a writ of direction directing the respondents to issue the Final Notification consequent upon the issue of the Preliminary Notification under Section 4(1) of the LA Act dated 09.08.1995 vide Annexure-D;

(b) Issue a writ of mandamus directing the respondent authorities to pass an award in respect of land in question;

(c) Pass any such other writ, directions, order(s) deemed just and proper in the circumstances of the case."

3.1 The respondents, on the other hand, contended that no Final Notification could be issued and that an Endorsement with respect thereto was made by respondent No.3/Special Land Acquisition Officer, on 27.01.2015. Thus, the petition ought to be dismissed.

4. The learned Single Judge, by the Impugned Order, has held that if the appellant/petitioner was aggrieved by the Endorsement, he should agitate his grievance before an appropriate Court and thus, dismissed the writ petition.

5. Learned counsel for the appellant/petitioner has contended that the schedule property belongs to the father of the appellant/petitioner and that appellant/petitioner has succeeded to the same after his demise. Reliance is placed on



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the RTCs in respect of the said property. It is further contended that the suit property was acquired in terms of the Preliminary Notification dated 09.08.1995 by the respondent No.3, and although a public notice was issued for acquisition of the suit property on 14.11.1995, no further proceedings were undertaken.

6. Learned counsel for the appellant/petitioner seeks to rely upon the judgment passed by a learned Single Judge of this Court on 29.11.2005¹ in an earlier round of litigation, whereby the directions were passed by the Court to examine the representation of the appellant/petitioner given to respondent No.2/Union of India and to pass appropriate orders. Learned counsel submits that despite this order and since the possession of the suit schedule property of the appellant/petitioner had been taken by respondent No.3 and no compensation has been awarded, the petitioner is aggrieved.

6.1 In addition, the learned counsel for the appellant/petitioner has contended that this Court can

¹ Chikkappaanna since decd. by his LRs. Vs. Union of India: in W.P.No.14349/2002



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examine matters even where issues on fact are required to be looked into. Reliance in this behalf is placed on the judgment the Supreme Court in the case of ***Real Estate Agencies v. State of Goa***².

7. Learned counsel for the respondents on the other hand contends that suit property was never acquired by the respondent No.3. It is averred that on 15.05.1999, although a Notification was issued under Section 4(1) of the Land Acquisition Act, the property of the appellant/petitioner was not the subject matter of the acquisition, and thus when the Notification under Section 6(1) of the L.A. Act was issued on 23.06.2000, the name of the appellant/petitioner's father was not there. Learned counsel submits that after the first Notification was issued in 1995, those proceedings were abandoned and there was a subsequent Notification issued in the year 1999, wherein the land of the appellant/petitioner was not included.

² 2012 (12) SCC 170



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7.1 Learned counsel for the respondents also seeks to rely upon the endorsement dated 27.01.2015 to submit that even in this endorsement, it has been clearly stated that the land of 1 Acre in Survey No.109, was not the part of acquisition and thus, no compensation could be paid.

7.2 Learned counsel for the respondents further submits that subsequent to the petition, another petition was filed by the appellant/petitioner being W.P.No.8994/2013³ which was allowed by a learned Single Judge of this Court on 23.04.2014. However, thereafter, a Review Petition⁴ was filed by respondent No.1 and 3 against the said order and by an order dated 01.06.2015, the order dated 23.04.2014 passed in W.P. No.8994/2013 was recalled by the learned Single Judge.

8. The Supreme Court in ***Real Estate Agencies*** case was examining an issue which involved a title dispute between Public Bodies/appellant and a Private Land Developer on the ground that the appellant had an alternate efficacious remedy.

³Munegowda Vs.State of Karnataka and others: W.P.No.8994/2013

⁴ State of Karnataka & another Vs. Munegowda: R.P.No.134/2015



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It was held that the Writ Court exercising jurisdiction under Article 226 of the Constitution of India, is empowered to restrain/injunct State or its instrumentalities. It was further held that there is no universal Rule or principle of law, which debars the Writ Court from entertaining adjudications involving disputed questions of fact and all issues can be entertained under Article 226 of the Constitution of India. The relevant extract is set out below:

*"16. A reading of the order of the High Court would go to show that its refusal to interdict the developmental works undertaken or about to be undertaken is on the ground that the petitioner has an efficacious alternative remedy i.e. a suit for injunction. The writ court exercising jurisdiction under Article 226 of the Constitution is fully empowered to interdict the State or its instrumentalities from embarking upon a course of action to the detriment of the rights of the citizens, though, in the exercise of jurisdiction in the domain of public law such a restraint order may not be issued against a private individual. **This, of course, is not due to any inherent lack of jurisdiction but on the basis that the public law remedy should not be readily extended to settlement of private disputes between individuals. Even where such an order is sought against a public body the writ court may refuse to interfere, if in the process of determination disputed questions of fact or title would require to be adjudicated.***

*17. However, **there is no universal rule or principle of law which debars the writ court from entertaining adjudications involving disputed questions of fact. In fact, in the realm of legal theory, no question or issue would be beyond the adjudicatory jurisdiction under Article 226, even if such adjudication would require taking of oral evidence...***"

[Emphasis Supplied]



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8.1 The Supreme Court had in the ***Real Estate Agencies*** case, however cautioned that ordinarily and as a matter of prudence, the High Court would not entertain a dispute which would require parties to adjudicate contested questions or conflicting claims. Reliance in this behalf was placed on the judgment in ***ABL International Ltd. V. Export Credit Guarantee Corpn. of India Ltd***⁵ to hold that the exercise of such jurisdiction under Article 226 of Constitution of India, must be done on sound judicial principles. Where a petitioner raises facts of a complex nature, which for their determination would require evidence to be led, the High Court may not exercise jurisdiction. The relevant extract is set out below:

"17.....However, as a matter of prudence, the High Court under Article 226 of the Constitution, normally would not entertain a dispute which would require it to adjudicate the contested questions and conflicting claims of the parties to determine the correct facts for due application of the law. In ABL International Ltd. v. Export Credit Guarantee Corpn. of India Ltd. [(2004) 3 SCC 553], the precise position of the law in this regard has been explained in paras 16, 17 and 19 of the judgment in the course of which the earlier views of this Court in Gunwant Kaur v. Municipal Committee, Bhatinda [(1969) 3 SCC 769] and Century Spg. & Mfg. Co. Ltd. v. Ulhasnagar Municipal Council [(1970) 1 SCC 582] has been referred to.

18. The aforesaid paragraphs of the judgment in *ABL International Ltd. v. Export Credit Guarantee Corpn. of India*

⁵ (2004) 3 SCC 553



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Ltd. [(2004) 3 SCC 553] may, therefore, be usefully extracted below : (SCC pp. 567-69)

"16. A perusal of this judgment though shows that a writ petition involving serious disputed questions of facts which requires consideration of evidence which is not on record, will not normally be entertained by a court in the exercise of its jurisdiction under Article 226 of the Constitution of India. This decision again, in our opinion, does not lay down an absolute rule that in all cases involving disputed questions of fact the parties should be relegated to a civil suit. In this view of ours, we are supported by a judgment of this Court in Gunwant Kaur v. Municipal Committee, Bhatinda [(1969) 3 SCC 769] where dealing with such a situation of disputed questions of fact in a writ petition this Court held : (SCC p. 774, paras 14-16)"

*'14. The High Court observed that they will not determine disputed question of fact in a writ petition. But what facts were in dispute and what were admitted could only be determined after an affidavit-in-reply was filed by the State. The High Court, however, proceeded to dismiss the petition in limine. **The High Court is not deprived of its jurisdiction to entertain a petition under Article 226 merely because in considering the petitioner's right to relief questions of fact may fall to be determined.** In a petition under Article 226 the High Court has jurisdiction to try issues both of fact and law. Exercise of the jurisdiction is, it is true, discretionary, but the discretion must be exercised on sound judicial principles. **When the petition raises questions of fact of a complex nature, which may for their determination require oral evidence to be taken, and on that account the High Court is of the view that the dispute may not appropriately be tried in a writ petition, the High Court may decline to try a petition.** Rejection of a petition in limine will normally be justified, where the High Court is of the view that the petition is frivolous or because of the nature of the claim made dispute sought to be agitated, or that the petition against the party against whom relief is claimed is not maintainable or that the dispute raised thereby is such that it would be inappropriate to try it in the writ jurisdiction, or for analogous reasons.'*

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19. Therefore, it is clear from the above enunciation of law that merely because one of



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the parties to the litigation raises a dispute in regard to the facts of the case, the court entertaining such petition under Article 226 of the Constitution is not always bound to relegate the parties to a suit. In the above case of *Gunwant Kaur* [(1969) 3 SCC 769] this Court even went to the extent of holding that in a writ petition, if the facts require, even oral evidence can be taken. **This clearly shows that in an appropriate case, the writ court has the jurisdiction to entertain a writ petition involving disputed questions of fact** and there is no absolute bar for entertaining a writ petition even if the same arises out of a contractual obligation and/or involves some disputed questions of fact.”

[Emphasis Supplied]

8.2. Thus, it has also been clarified by the Supreme Court in ***ABL International Ltd.’s*** case as reiterated in ***Real Estate Agencies*** case that there is no absolute bar on entertaining cases under Article 226 of the Constitution of India and the Court is bound to exercise this discretion on examining the facts of the case.

9. From an examination of the record and specially, the order passed by the learned Single Judge in the Review Petition, it seems to be apparent that it has not been disputed that property of the appellant/petitioner was not acquired. The learned Single Judge has found that although initially a notification was issued in the year 1995, these proceedings were abandoned and a subsequent notification was issued in



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the year 1999 where the land of the appellant/petitioner was not included. Thus, it was directed that no compensation be paid to the appellant/petitioner. The order dated 01.06.2015 passed by the learned Single Judge in the Review Petition is set out below:

"2. The writ petition having been allowed as against the State, the State has preferred this review petition. **It is not in dispute that the land in question was the subject matter of notification issued under the provisions of the Land Acquisition Act, 1894 in the year 1995. However, it is now the case of the State Government that though the notification was issued, the proceedings were abandoned and there was a subsequent notification of the year 1999,** wherein, the land in question was not included. Therefore, it is unjust for the **State to be directed to pay compensation.** It is on that solitary ground that the present review petition is filed.

3. However, the learned counsel for the respondent would point out that there has been exchange of correspondence between the Defence Research and Development Organization, which is the beneficiary of the acquisition, admitting, the land in question had indeed been utilized by it and it is in possession of the same and the payment of compensation would only be possible, after obtaining necessary directions from the competent authority.

4. It is not unusual in some cases for the land to be acquired, even though the procedure may not have not been completed. This may be one such case. **Therefore, it requires further examination. In that view of the matter, the order dated 23.4.2014, is recalled. The writ petition is restored to file.**

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Nominal amount of Rs.3,50,000/- which is in deposit, may be withdrawn by the respondent, subject to the result of the writ petition and subject to further adjustments at the appropriate time."

[Emphasis Supplied]



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9.1. The learned Single Judge in W.P. No.8994/2013 thereafter disposed off the matter directing that if the petitioners are aggrieved by the endorsement dated 21.01.2015 they may agitate their grievance before a competent forum. It was further held that if the petitioner is prevented from entering his land it is open to the petitioner to go before the appropriate forum. The relevant extract of the order dated 01.06.2015 is below:

"It is not disputed that the respondent-Government has not issued the Final Notification in furtherance of the Preliminary Notification dated 09.08.1995 and therefore, I find force in the arguments advanced by the learned AGA that the writ petition is not maintainable for having challenged the Preliminary Notification alone. However, the learned AGA has placed on record, the endorsement dated 21.01.2015 issued by respondent No.3 herein in furtherance of the representation made by the petitioner herein and the said aspect was not contravened by the learned counsel appearing for the petitioner. In that view of the matter, if the petitioner is aggrieved by the said endorsement, it is open for the petitioner to adjudicate his grievance before the competent court of law. In that view of the matter, I do not find any merit in the argument advanced by learned counsel appearing for the petitioner, however, if the petitioner has been prevented from entering to his land then, it is open for the petitioner to address his grievance before the competent authorities/Court and accordingly, with these observations, the writ petition is disposed of."

[Emphasis Supplied]



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10. Learned counsel for the respondents have contended that although Preliminary Notification was issued in the year 1995, that acquisition proceedings were abandoned and yet another Preliminary Notification was issued in respect of the property in Handrahalli Village on 15.05.1999 and that appellant/ petitioner's property was not the subject matter of such acquisition. Subsequently, a Final Notification was also issued and although acquisition took place, the property of the appellant/petitioner was not acquired. The Endorsement issued by respondent No.3 dated 27.01.2015 also specifically states that a survey of the property bearing Survey No.109 was redone and it was submitted that appellant/petitioner is not in possession of Survey No.109 and acquisition regarding 1 acre, which is stated to have belonged to appellant/petitioner's father has not been included in the acquisition. The respondents have explained, that originally what was sought to be acquired was 167 acres and 34 guntas along with 32 acres and 02 guntas. However, by an amendment Notification, the actual land acquired by the respondents was 168 acres and 20 guntas.



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11. What is clear from the above is that although the appellant/petitioner is not in possession of the suit schedule property, neither are the respondents. Since the respondents have not acquired the land of the appellant/petitioner, there could be no question of writ of mandamus being issued to the respondents to pass a Final Notification and to pay a compensation.

12. Thus, and as stated above, the suit property was never acquired by respondent No.3/Acquisition Officer and although a Notification was issued in the year ss1995, those proceedings were abandoned and no subsequent notification *qua* the appellant/petitioner's land was issued thereafter. These facts are clear from an examination of the documents placed on record, by the respondent including the Notification of the year 1999 and the endorsement of 27.01.2015. It is on an examination of the facts in this case as is set out in the judgment of the Supreme Court in the ***Real Estate Agencies*** case, that jurisdiction was exercised by the learned Single Judge.



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13. In view of the foregoing discussions, this Court is not inclined to interfere with the Impugned Order.

14. The appeal is accordingly ***dismissed***. In view of dismissal of the appeal, all pending applications stand closed.

**Sd/-
(ANU SIVARAMAN)
JUDGE**

**Sd/-
(TARA VITASTA GANJU)
JUDGE**

Yn.
List No.4, Sl.No.1