HC-KAR

NC: 2026:KHC:17503
WP No. 4471 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE S SUNIL DUTT YADAV

WRIT PETITION NO. 4471 OF 2026 (LA-UDA)

BETWEEN:

1. SRI VENKATESHWARA KAIGARIKA
KHADI GRAMA SANGA REG

REPRESENTED BY ITS GPA., HOLDER
BASAVARAJU. S
S/O SOMMANNA,
AGED ABOUT 44 YEARS,
R/O, HUCHAMMANA DEVASTANADA BEEDI,
LALITHADRIPURA VILLAGE
VARUNA HOBLI,
MYSURU - 570 010

... PETITIONER

(BY SRI. LINGARAJU K.R., ADVOCATE)

Digitally signed by VIJAYA P
Location: HIGH COURT OF KARNATAKA

AND:

1. STATE OF KARNATAKA
REPT., BY ITS PRINCIPAL SECRETARY,
URBAN DEVELOPMENT DEPARTMENT,
VIDHANA SOUDHA,
DR. B.R. AMBEDKAR VEEDHI,
BENGALURU-560 001.

2. MYSURU DEVELOPMENT AUTHORITY
REPRESENTED BY ITS COMMISSIONER,

J.L.B. ROAD,
MYSURU-570 007.

3. THE SPECIAL LAND ACQUISITION OFFICER
MYSURU DEVELOPMENT AUTHORITY,
JLB ROAD, MYSURU-570 007.

… RESPONDENTS

(BY SRI. HARISH A.S., AGA FOR R1;
SRI G.B. SHARATH GOWDA, ADVOCATE FOR R2 AND R3)

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THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASHING THE PRELIMINARY NOTIFICATION BEARING NO. LAQ(4) CR31/2005-06 DATED 13.12.2006, ISSUED BY THE R2 VIDE ANNEXURE-A, PUBLISHED UNDER SECTION 17 (1) OF THE KARNATAKA URBAN DEVELOPMENT AUTHORITY ACT, 1987 IN RESPECT OF THE PETITIONER LAND BEARING SURVEY NO. 113 MEASURING 6 GUNATS SITUATED AT LALITHADRIPURA VILLAGE, VARUNA HOBLI, MYSURU TALUK AND DISTRICT (SL. NO. 68 IN PRELIMINARY NOTIFICATION) AND GRANT SAME RELIEF AS IT IS ALREADY PASSED IN SIMILAR W.P. NO. 34838/2025 DATED 02.12.2025 VIDE ANNEXURE-D AND ETC.

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

CORAM: HON'BLE MR. JUSTICE S SUNIL DUTT YADAV

ORAL ORDER

Petitioner has called in question the validity of the preliminary notification dated 13.12.2006 published under Section 17(1) of the Karnataka Urban Development Authority Act, 1987 insofar as the property of the petitioner is concerned

2. It is submitted that though the preliminary notification is passed on 13.12.2006, till date no final notification is passed and no steps have been taken to complete the acquisition proceedings. Reliance is placed on the order passed in W.P.No. 34838/2025 with respect to the same notification wherein it is asserted that the Court has set aside the notification insofar as the land of the petitioner therein is concerned, observing that neither possession has been taken nor award has been passed.

3. Learned counsel appearing for the respondents submits that the assertions of the petitioner are matter of record.

4. Taking note that though the preliminary notification is passed on 13.12.2006 and that no final notification has been passed subsequently and no further steps have been taken to effectuate the land acquisition proceedings, the petitioner is entitled for the relief on parity with the relief granted to the land owner in W.P.No. 34838/2025.

5. The observations made in W.P.No. 34838/2025 at para 4 onwards read as follows:

> *"4. The acquisition proceedings were initiated by preliminary notification dated 13.12.2006, proposing to acquire the entire land in Sy.No.119/7, measuring 2 guntas situated at Lalithadripura village, Varuna Hobli, Mysuru Taluk (for short 'the schedule property') and other surroundings lands for the purpose of forming a residential layout known as "Lalithadri Nagar, 2nd Stage." The petitioners' lands are situated at Lalithadripura village, Varuna Hobli, Mysuru Taluk. Learned counsel for the petitioners submits that despite the preliminary notification issued in the year 2006, the respondent authority has neither taken possession nor completed the acquisition proceedings. Hence, it is contended that the acquisition proceedings has lapsed.*

5. Learned counsel on both sides, rely upon the decisions of the co-ordinate bench of the Court in the case of Sri Kullachari and Others v. State of Karnataka and others - W.P.No.45022/2017, D.D.26.10.2017 (Sri Kullachari) and in the case of Smt. Sannaningamma and Others v. State of Karnataka and Others W.P.No.25692-25693/2018, D.D.19.06.2018 (Smt. Sannaningamma), wherein the very same preliminary notification dated 12.12.2006 was quashed insofar as the land belonging to the petitioners therein were concerned. In those cases, the co-ordinate bench held that the claim for formation of layout had lapsed, as the respondent-authority had not passed an award and not taken possession of the schedule properties therein.

6. The co-ordinate bench of this Court in the case of Smt. Sannaningamma and others v. State of Karnataka and others, by relying upon Sri Kullachari, has observed under:

> *4. Learned counsel for the petitioners submit that no declaration or final notification came to be issued under Section 19 of the Act and as such, acquisition has elapsed. He also submits that under similar circumstances, Co-ordinate Benches of this Court in W.P.Nos.49714-715/2016 and connected*

matter disposed of on 24.10.2016 and W.P.No.45022/2017 (LA-UDA) disposed of on 26.10.2017 had granted relief to the petitioners in respect of land owners therein and copies of the orders passed in said writ petitions are produced at Annexures-'E' and 'E-1' respectively, and prays for similar order being passed in these writ petitions also by quashing the preliminary notification in so far as lands of petitioners are concerned.

5. Learned counsel appearing for respondents does not dispute the fact that under similar circumstances preliminary notification insofar as petitioners therein are concerned having been quashed in terms of the order produced at Annexures-'E' and 'E-1.

6. In the light of aforestated facts and circumstances and submissions made by learned counsel appearing for parties and order passed by the Co-ordinate Benches referred to herein supra being squarely applicable to the facts on hand, petitioners are entitled to succeed in these petitions also. Hence, preliminary notification dated 12.12.2006– Annexure-A , insofar as the lands belonging to the petitioners herein in Survey No.10/1 situated at Sarakari Uttanahalli, Varunal Hobli, Mysuru Taluk and District measuring 0.01.12.00 guntas of land in respect of petitioner No.1 and land measuring 0.10.08.00 guntas of land belonging to petitioner Nos.2 to 27 is hereby quashed. Accordingly, writ petitions are allowed.

7. In the present case, the petitioners have established that neither possession has been

taken nor award passed by the respondent-authority. The decisions placed reliance squarely applies to the present case. Accordingly, the following:

ORDER

i. The writ petition is allowed.

Ii. The impugned notification dated 13.12.2006 (Annexure-A) is hereby quashed insofar as the petitioners' lands are concerned."

6. In light of the above observations, the preliminary notification dated 13.12.2006 insofar as the petitioner's land is concerned is set aside and the acquisition proceeding is declared to have been abandoned insofar as the petitioner's property is concerned.

7. Accordingly, petition is ***disposed of***.

Sd/-
(S SUNIL DUTT YADAV)
JUDGE

VP