



CNR: KAHC010112152018

NC: 2026:KHC:49680
RFA No. 1374 of 2018

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 11TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD

REGULAR FIRST APPEAL NO. 1374 OF 2018 (PAR/INJ)

BETWEEN:

SMT MANJAMMA
D/O LATE MUNIYAPPA
AGED ABOUT 32 YEARS
R/AT NO.4, BILEKAHALLI VILLAGE
BEGUR HOBLI, BENGALURU SOUTH TALUK
BENGALURU URBAN DISTRICT
BENGALURU - 76.

...APPELLANT

(BY SRI.DHANUSH D RAJ ., ADVOCATE FOR
SMT. SHARADI S SHETTY, ADVOCATE)

AND:

1. THE COMMISSIONER
BANGALORE URBAN DEVELOPMENT AUTHORITY
CHOWDAIAH ROAD, KUMARA PARK WEST
BENGALURU - 20.

2. EXECUTIVE ENGINEER
BANGALORE DEVELOPMENT AUTHORITY
BANASHANKARI II STAGE
BDA SHOPPING COMPLEX
BENGALURU - 70

...RESPONDENTS

(BY SRI/SMT. POONAM S PATIL., ADVOCATE)

THIS RFA IS FILED UNDER SECTION 96 R/W ORDER XLI
RULE 1 OF CPC, AGAINST THE JUDGMENT AND DECREE
DATED: 21.04.2018 PASSED IN O.S.NO.283/2015 ON THE FILE
OF THE XVII ADDITIONAL CITY CIVIL AND SESSIONS JUDGE,





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BENGALURU, DISMISSING THE SUIT FOR PERMANENT INJUNCTION.

THIS APPEAL, COMING ON FOR ORDERS, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD

ORAL JUDGMENT

1. This regular first appeal is filed by that appellant-plaintiff challenging judgment and decree dated 21.04.2018 passed by the XVII Additional City Civil and Sessions Judge, Bengaluru in O.S.No.283/2015, whereby, the suit filed by the plaintiff has been dismissed.

2. The case of the plaintiff is that her father, Sri Muniyappa, was the owner of the house property bearing Khata No.656, formed out of Sy.Nos.54/1, 57/3A and 57/3B of Bilekahalli Village, measuring 14,250 sq.ft. He died on 02.06.2004, leaving behind his wife, four sons and two daughters as his legal heirs. The plaintiff's case is that the legal heirs effected partition of the property under a registered partition deed dated 30.12.2011, under which the suit schedule property fell to the plaintiff's share.



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Thereafter, the plaintiff got her name entered in respect of the suit property and obtained electricity connection.

3. On 02.01.2015, respondent No.2 attempted to dispossess the plaintiff from the suit schedule property. The respondents contended that the BDA had acquired Sy.No.57/3A1 measuring 6 acres 12 guntas and Sy.No.57/3B measuring 32 guntas for formation of BTM Layout pursuant to the Preliminary Notification dated 19.09.1977 and subsequently followed by Final Notification dated 07.02.1978 which were published in the Official Gazette. It was further contended that an award was passed and compensation was deposited before the City Civil Court in LAC Nos.658 and 660/1978-79. On the basis of the pleadings of the parties, the Trial Court has framed following issues:

"i. Whether the plaintiff proves her possession and enjoyment of the suit property?

ii. Whether the plaintiff proves the alleged interference caused by the defendants?



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iii. Whether the suit is not maintainable?

iv. Whether the plaintiff is entitled for the relief prayed in the suit?

v. What decree or order?"

4. The Trial Court, after hearing both the parties on Issue Nos.3 and 4, by the impugned judgment and decree dated 21.04.2018, answered preliminary issue No.3 in the affirmative and dismissed the suit holding that the suit is not maintainable. Being aggrieved by the same, the plaintiff is before this Court.

5. The only point that arises for consideration before this Court is whether the suit filed by the plaintiff is maintainable or not? The Trial Court has dismissed the suit holding that the same is not maintainable. The specific case of the defendants is that the suit schedule properties have been acquired by the defendants by issuing the Preliminary Notification dated 19.09.1977 and Final Notification dated 07.02.1978, which were published in the Official Gazette. It is also the specific case of the



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defendants that an award has also been passed in respect of the acquired properties.

6. The Apex Court, in the case of ***Commissioner, Bangalore Development Authority and another vs. Brijesh Reddy and another***, reported in ***(2013) 3 SCC 66***, has held that once the land is acquired, a suit for injunction is not maintainable. The relevant paragraph No.18 is extracted below:

"18. It is clear that the Land Acquisition Act is a complete code in itself and is meant to serve public purpose. By necessary implication, the power of the civil court to take cognizance of the case under Section 9 CPC stands excluded and a civil court has no jurisdiction to go into the question of the validity or legality of the notification under Section 4, declaration under Section 6 and subsequent proceedings except by the High Court in a proceeding under Article 226 of the Constitution. It is thus clear that the civil court is devoid of jurisdiction to give declaration or even bare injunction being granted on the invalidity of the procedure contemplated under the Act. The only right available for the aggrieved person is to approach the High Court under Article



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226 and this Court under Article 136 with self-imposed restrictions on their exercise of extraordinary power.”

7. In view of the above settled position of law and having regard to the specific case of the defendants that the suit schedule properties have been acquired under the aforesaid notifications and an award has also been passed, the Trial Court is justified in dismissing the suit as not maintainable. There is no error or illegality in the judgment and decree passed by the Trial Court warranting interference by this Court.

8. Accordingly, the appeal is ***dismissed***. However, liberty is reserved to the appellant to agitate her case before the appropriate legal forum, in accordance with law, if law permits.

Digitally Signed by NARENDRA PRASAD
HAREKOPPA THIMMANNA GOWDA on 21-
09-2026

(H.T. NARENDRA PRASAD)
JUDGE

HA
LIST NO.: 1 SL NO.: 64