



CNR: KAHC010117702016

NC: 2026:KHC:36428
WP No. 51158 of 2016

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 15TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE R. NATARAJ

WRIT PETITION NO. 51158 OF 2016 (LA-UDA)

BETWEEN:

1. SRI SHARATH B S
S/O B. VENKATARAMANA
AGED ABOUT 33 YEARS,
RESIDING AT HOUSE NO.177,
1ST MAIN ROAD, JAYALAKSHMIPURAM
MYSURU-570 012.
2. SMT. MITHILA K
W/O V.S. MOHAN KRISHNA,
AGED ABOUT 50 YEARS,
RESIDING AT NO.613/4, 1ST CROSS,
SUNNADA KERI, K.R. MOHALLA
MYSORE-570 024.
3. SMT. HEMA MALINI
W/O LATE NARENDRA BABU
AGED ABOUT 42 YEARS,
RESIDING AT NO.612, 5TH CROSS
S.N. MATT ROAD,
CHAMARAJA MOHALLA, MYSORE-570 024.
4. SMT. G.A. LEELA
W/O G.K. ASHWATHANARAYANA SHETTY
AGED ABOUT 50 YEARS,
RESIDING AT NO.1063/71A, F-34
II MAIN, 8TH CROSS,
VIDYARANYAPURA, MYSORE-570 008.
5. SMT. RATNA V
W/O UMESH P.K.,
AGED ABOUT 46 YEARS,
RESIDING AT NO.58,

Digitally
signed by
HEMALATHA J
Location:
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OF
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VISHWAKARMA COLONY
GAYATHRIPURAM, MYSORE-5.

...PETITIONERS

(BY SRI. M.S. BHAGWATH, SENIOR ADVOCATE FOR
SRI. K. SATISH, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
DEPARTMENT OF URBAN DEVELOPMENT,
REPRESENTED BY ITS PRINCIPAL SECRETARY,
VIKASA SOUDHA, BANGALORE-560 001.
2. MYSURU URBAN DEVELOPMENT AUTHORITY
REPRESENTED BY ITS COMMISSIONER,
J.L.B. ROAD, MYSURU-570 005.
3. SPECIAL LAND ACQUISITION OFFICER
MYSORE URBAN DEVELOPMENT AUTHORITY,
J.L.B. ROAD, MYSURU-570 005.

...RESPONDENTS

(BY SMT. POOJA M. KOORSE, HCGP FOR R1;
SRI. G.B. SHARATH GOWDA, ADVOCATE FOR R2 AND R3)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING TO DECLARE THAT THE ACTION OF THE RESPONDENTS IN PROCEEDINGS TO FENCE / TAKING POSSESSION / FORM A 150' OUTER RING ROAD IN THE LAND BELONGING TO THE PETITIONERS IS ILLEGAL AND WITHOUT AUTHORITY OF LAW AND RESTRAIN THE RESPONDENTS FROM FENCING / TAKING POSSESSION / FORMATION OF THE SAID 150' OUTER RING ROAD IN THE LAND BELONGING TO THE PETITIONERS AND ETC.

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

CORAM: HON'BLE MR. JUSTICE R. NATARAJ



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ORAL ORDER

The petitioners have sought for a declaration that the action of the respondents in proceeding to fence/taking possession/forming a 150 feet outer ring road in their land is illegal and without the authority of law. They have sought for direction to respondents not to fence or take possession or form the road in their land.

2. The petitioners are the owners of the properties described in the schedule to the writ petition. The land in Sy.No.48 of Koppaluru Village, measuring 23 guntas was notified for acquisition for formation of ring road. The petitioner No.1 along with Mr.B.V.Sampath Kumar filed W.P.No.39244/2016 challenging the final notification dated 27.02.1999, on the ground that the acquisition of 17 $\frac{3}{4}$ guntas in Sy.No.48 had lapsed under Section 27 of the Karnataka Urban Development Authorities Act, 1987 and under Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (henceforth referred to as 'the Act, 2013') and consequently to direct the respondents therein to restore possession of the



unutilized land to the petitioners subject to refund of compensation. The said writ petition was dismissed in terms of the order dated 21.04.2021 and appeal preferred therefrom was also dismissed.

3. The petitioners contend that what is utilized for the ring road is only 5 $\frac{1}{4}$ guntas and the remaining 17 $\frac{3}{4}$ guntas was not utilized and the same is evident from the sketch prepared by the first division surveyor. The petitioners are therefore before this Court seeking for a declaration that the action of the respondents in proceeding to fence/taking possession or form the outer ring road in the unutilized portion of their land is illegal and without authority of law.

4. The learned Senior Counsel for the petitioners reiterated above submissions and submitted that it is incumbent upon the respondents to identify whether the sites purchased by the petitioners lie within the 23 guntas of land, which is acquired by the respondents for formation of the ring road and if only 5 $\frac{1}{4}$ guntas is utilized for the ring road, the respondents are bound to restore the remaining 17 $\frac{3}{4}$ guntas. He submits that a suit in this regard is filed by the petitioners



before the Civil Court and that the acquisition of the land in question is coming in the way of the petitioners pursuing their remedy before the Civil Court.

5. (i) The writ petition is opposed by the respondent Nos.2 and 3, who have contended that after the final declaration the owner of land in Sy.No.48 had delivered possession of the acquired land measuring 23 guntas and had executed a possession certificate dated 28.08.2001. Thereafter, an award was passed in favour of Mr.B.V.Sampath Kumar for a sum of Rs.1,05,083/- vide individual award dated 23.07.2002 bearing LAC (4)5/98-99. Mr.B.V.Sampath Kumar then received the award amount in terms of a cheque and a voucher dated 23.07.2002.

(ii) It is contended that the petitioners claim to be owners of so called sites formed in Sy.No.48 and that what they have purchased lies outside the area acquired by the respondent No.2. It is contended that the petitioners have not provided any document to substantiate this contention and no layout plan or permission to perform a layout is furnished. Likewise, there is no conversion of the land from agricultural to



non-agricultural residential use. It is contended that the identification of the sites belonging to the petitioners is not established. The claim of the petitioners for the reliefs sought for in the writ petition is not maintainable.

(iii) It is contended that when the petitioners are not able to convincingly prove that the site they have purchased does not lie within 23 guntas of land, they cannot be granted reliefs and therefore, the writ petition does not deserve consideration. It is also claimed that the petitioners have tried to seek adjudication of disputed questions of law as to whether the property purchased by them lies within the acquired portion of 23 guntas or not and therefore, this Court sitting in writ jurisdiction cannot decide the said question.

(iv) Further they contend that the petitioners have no *locus standi* to challenge the acquisition of the land as the erstwhile owner has accepted the acquisition and received the compensation and has also delivered possession of the acquired portion. These respondents admit that out of 23 guntas of land that was acquired in Sy.No.48, only 5 ¼ guntas is utilized for the formation of the road. It is contended that the claim of the



petitioners that the remaining land is not required for any other purpose is false. With these and similar other contentions, the respondent Nos.2 and 3 contend that the petitioners cannot approach this Court seeking for any reliefs.

6. The learned counsel for the respondent Nos.2 and 3 reiterated the above contentions.

7. I have considered the submissions of the learned counsel for the petitioner and the learned counsel for the respondent Nos.2 and 3.

8. The petitioners have premised their writ petition on the assertion that the sites purchased by them does not lie within 23 guntas of land that was acquired in Sy.No.48 of Koppaluru Village. This is evident from the sketch that is enclosed as Annexure-H to the writ petition, where a survey of the land of the petitioners and the acquired portion discloses that the land of the petitioners lies outside the 23 guntas of land. Therefore, the petitioners cannot file a writ petition seeking for a declaration that the action of the respondents in proceeding to fence/taking possession/forming a outer ring



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road in the land belonging to them is without authority of law. If the petitioners are already before the Civil Court, it is for them to establish before the Civil Court that the sites purchased by them lie outside of the 23 guntas of land acquired by the respondent No.1 for the purposes of the respondent Nos.2 and 3. This Court cannot sit in judgment over factual disputes as to whether the property purchased by the petitioners lies within or outside the land acquired by the respondent Nos.2 and 3.

9. In that view of the matter, this writ petition is ***dismissed*** as no effective direction can be issued to the respondent Nos.2 and 3. It is open for the petitioners to establish their right in the civil suit that they have filed before the Civil Court. It is always open for them to establish that the sites purchased by them lie outside of the 23 guntas of land acquired by the respondent No.1 for the purposes of the respondent Nos.2 and 3.

Sd/-
(R. NATARAJ)
JUDGE