



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 20<sup>TH</sup> DAY OF FEBRUARY, 2026**

**BEFORE**

**THE HON'BLE MR. JUSTICE S SUNIL DUTT YADAV**

**WRIT PETITION NO. 5154 OF 2026 (LA-UDA)**

**BETWEEN:**

1. R. GEETHA GOPAL  
S/O R. RANGASWAMY,  
AGED ABOUT 80 YEARS,  
R/AT NO. 617, 2<sup>ND</sup> CROSS, 7<sup>TH</sup> BLOCK,  
2ND PHASE, BSK 3<sup>RD</sup> STAGE,  
BANGALORE SOUTH,  
BANGALORE - 560085.
2. CHIKKA MALEGOWDA  
S/O LATE BOREGOWDA,  
AGED ABOUT 76 YEARS,  
R/AT NO.166, NEW STREET,  
BEERI HUNDI, MYSORE -570026,  
KARNATAKA.

...PETITIONERS

(BY SRI. CHETAN KUMAR, ADVOCATE FOR  
SRI. ABHISHEK K., ADVOCATE)

**AND:**

1. STATE OF KARNATAKA,  
REP. BY ITS SECRETARY TO THE GOVERNMENT,  
URBAN DEVELOPMENT DEPARTMENT,  
DR AMBEDKAR ROAD,  
BENGALURU - 560001.



2. MYSORE URBAN DEVELOPMENT AUTHORITY,  
JHANSIRANI LAKSHMIBAI ROAD,  
MYSORE CITY - 570005,  
REP. BY ITS COMMISSIONER.
3. THE SPECIAL LAND ACQUISITION OFFICER,  
MYSORE URBAN DEVELOPMENT AUTHORITY,  
JHANSIRANI LAKSHMIBAI ROAD,  
MYSORE CITY - 570005.

...RESPONDENTS

(BY SRI. HARISHA A.S., AGA FOR R1;  
SRI. T.P. VIVEKANANDA, ADVOCATE FOR R2 AND R3)

THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE PRELIMINARY NOTIFICATION DATED 28.06.2016 BEARING NO.LAQ(1)BA/1/2016-17 ISSUED BY THE R-2 AUTHORITY AT ANNEXURE-F TO THE WRIT PETITION IN SO FAR AS SCHEDULE PROPERTIES BELONGING TO THE PETITIONERS ARE CONCERNED AT SERIAL NO.1, 26, 27, 279 AND 280 OF THE PRELIMINARY NOTIFICATION.

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**

The petitioner has sought for setting aside of the preliminary notification dated 28.06.2016 issued by respondent No.2 insofar as the petitioners' scheduled properties are concerned.

2. It is the case of the petitioners that, though preliminary notification was passed on 28.06.2016, till date no steps have been taken to effectuate the acquisition proceedings and accordingly, it is submitted that the proceedings can be construed to have been abandoned. Reliance is placed on the order passed in W.P.No.5213/2022 with respect to lands of certain landowners relating to the same notification.

3. The fact of the respondent - Mysore Urban Development Authority (MUDA) not having taken further steps pursuant to the notification of 28.06.2016 to effectuate the acquisition proceedings, is not controverted.



4. Perused the order passed in W.P.No.5213/2022.

Observations made at paragraph No.6 onwards is extracted below:

*6. In the light of submission made by learned counsel appearing for the parties, careful consideration of the writ papers would indicate that, petitioners herein claim to be the owners of the land to an extent of 6 guntas in Survey No.1/4, 4 guntas in Survey No.1/5, 2 acre 10 guntas in Survey No.1/6, and 2 acre 11 guntas in Survey No.113/4 of Ballahalli Village, Jayapura Hobli, Mysuru Taluk & District and the respondent No.2 herein has issued the Preliminary Notification dated 28<sup>th</sup> June, 2016 vide Annexure-K, notifying the land belonging to petitioners for the purpose of formation of 'Ballahalli Extension'. However, on careful consideration of the same would indicate that, no progress has been made by the respondent-Authorities to complete the entire acquisition proceedings in terms of the provisions contained under the Act. In this regard, as rightly argued by Sri. N. Kumar, learned counsel appearing for petitioners placing reliance on the judgment this Court in the case of NITYA GOPAL BABSHET vs. THE STATE OF KARNATAKA AND OTHERS in Writ Appeal*



*No.30044 of 2013 and connected matters decided on 10th July, 2013, wherein the Division Bench of this Court has held that, in the event if the respondent-Authorities have not completed the proceedings within a time bound in terms of the provisions contained under the Act and in the absence of specific provisions in the Act, a reasonable period for issuing the Final Notification has to be two years, though not with exact mathematical preposition, the scheme lapses. Taking into consideration the dictum of this Court referred to above in paragraphs 11 and 12 of the aforementioned judgment, I am of the view that, in the present case, since the Preliminary Notification is issued in the year 2016, however, no further progress has been made by the respondent-Authorities, I find force in the submission made by the learned counsel appearing for petitioners. Accordingly, writ petition is allowed. Preliminary Notification dated 28<sup>th</sup> June, 2016 issued under Section 17(1) of the Act in respect of the subject land concerned to the petitioners is quashed."*

5. Taking note that in W.P.No.5213/2022 the same notification was in challenge, the petitioner stands



on parity insofar as the landowner in W.P.No.5213/2022. Taking note of absence of any action by MUDA to effectuate the acquisition proceedings, it could be construed that the respondent - MUDA has abandoned the acquisition proceedings and accordingly, the preliminary notification dated 28.06.2016 insofar as the petitioners' lands are concerned is quashed.

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

**SD/-**  
**(S SUNIL DUTT YADAV)**  
**JUDGE**

MCR