



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF JUNE, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MR. JUSTICE T.M.NADAF

WRIT APPEAL NO. 579 OF 2026 (LA-KIADB)

BETWEEN:

1. K. SRINIVASA,
AGED ABOUT 72 YEARS,
S/O. LATE R. KRISHNASWAMY NAIDU,
R/AT NO.571, 30TH MAIN,
BANAGIRI NAGARA, BSK III STAGE,
BANGALORE - 560 085.

K. SHYAMSUNDAR,
S/O LATE R KRISHNASWMAY NAIDU
SINCE DECEASED BY LRS

2. SMT. S. PRABHAVATHI,
AGED ABOUT 62 YEARS,
W/O K SHYAMSUNDAR,
R/AT NO.1255,
BANASHANKARI II STAGE,
23RD CROSS,
BENGALURU - 560 070.

3. MS. CHANDANI,
D/O K SHYAMSUNDAR
AGED ABOUT 34 YEARS,
R/AT NO.1255,
BANASHANKARI 2ND STAGE,
23RD CROSS,
BENGALURU - 560 070.

...APPELLANTS

(BY SRI. ASHOK B. PATIL., ADVOCATE)



AND:

1. STATE OF KARNATAKA,
REP. BY ITS SECRETARY,
INDUSTRIES AND COMMERCE
DEPARTMENT, M.S. BUILDING,
DR. AMBEDKAR BEEDHI,
K.R. CIRCLE,
BANGALORE - 560 001.
2. THE DEPUTY COMMISSIONER,
MANDYA DISTRICT,
MANDYA - 571 001.
3. ASSISTANT COMMISSIONER,
PANDAVAPURA SUB-DIVISION,
PANDAVAPURA,
MANDYA DISTRICT - 571 437.
4. TAHASILDAR,
SRIRANGAPATNA TALUK,
MANDYA DISTRICT - 571 438.
5. KARNATAKA INDUSTRIAL
AREA DEVELOPMENT BOARD,
REP. BY ITS SECRETARY,
NO.14/3, 2ND FLOOR,
RASHTROTHANAPARISHAT BUILDING,
NRUPATHUNGA ROAD,
BANGALORE - 560 001.
6. SPECIAL LAND ACQUISITION OFFICER
KARNATAKA INDUSTRIAL
AREA DEVELOPMENT BOARD,
MYSORE ZONE, KRS ROAD,
MYSORE - 570 016.
7. M/S. HIGH STREET DEVELOPERS PVT. LTD.,
REP. BY ITS MANAGING DIRECTOR,



REGD. OFFICE NO.70,
NAGINDAS MASTER ROAD FORT,
MUMBAI - 400 023.

...RESPONDENTS

(BY SRI. B. RAVINDRANATH, AGA FOR R1 TO R4,
SRI. SHASHI KIRAN SHETTY, ADVOCATE FOR
SRI. B.B.B PATIL, ADVOCATE FOR R5 AND R6,
SRI. K.G. RAGHAVAN SR. ADVOCATE FOR
MS. MANEESHA KANGORI, ADVOCATE FOR R7)

THIS WRIT APPEAL FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT, 1961, R/W ARTICLE 226 OF THE CONSTITUTION OF INDIA, PRAYING TO SET ASIDE THE ORDER OF THE LEARNED SINGLE JUDGE DATED 19/12/2025 PASSED IN WP NO.22352/2016 AND ALLOW THE SAME, BY QUASHING THE IMPUGNED ORDER IN THE WRIT PETITION DATED 25/11/2015 (ANNEXURE-W) AND CONSEQUENTLY, SET ASIDE THE ORDER DISMISSING IA-1/23, IA-2/23 AND IA-1/25, AND ALLOW THE SAME AND ETC.,

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

CORAM: HON'BLE MR. JUSTICE D K SINGH
and
HON'BLE MR. JUSTICE T.M.NADAF

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE T.M.NADAF)

The unsuccessful petitioners in W.P.No.22352/2016 are before us in this intra-Court appeal filed under Section



4 of the Karnataka High Court Act, 1961, assailing the order dated 19.12.2025 passed by the Writ Court.

2. By means of the impugned order, the Writ court dismissed the Writ Petition, thereby declined to interfere with the order dated 25.11.2015 impugned therein passed by the Special Land Acquisition Officer¹ (Annexure-W).

3. The parties are referred to as per their ranking before the Writ Court.

4. Facts germane to file the present appeal are as under:

4.1 The petitioners filed the Writ Petition seeking following reliefs:

(i) The order dated 25-11-2015 passed by the Special Land Acquisition Officer, KIADB, Mysore, i.e. the 6th Respondent herein in No.LAQ(5)CR/-/2015-16 as per Annexure-W to the Writ Petition be quashed by issue of a writ of certiorari and or any other appropriate writ, order and direction;

¹ SLAO, for short



(ii) Directing the Respondents to pay to the Petitioners costs of this proceedings and awarding to the Petitioners such other additional and alternative reliefs that may be found necessary to be granted under the circumstances of the above case.

4.2 It was the claim of the petitioners before the Writ Court that they are the owners of land bearing Sy.No.129/2 and 129/3 (old Sy.No.30) of Mogarahalli Village, Belagola Hobli, Srirangapatna Taluk, Mandya District, measuring in all 03 Acres 14 Guntas, purchased under registered Sale Deeds in the year 1986. Subsequent to purchase of the lands, same were converted for non-agricultural industrial use and certain structures/ sheds have been constructed on the said land.

4.3 It was their further case that the Grant Order in favor of their vendors came to be challenged before the Deputy Commissioner, who by means of order dated 21.02.2004, canceled the original Grant and accordingly set-aside the Sale Deeds executed in



their favor. The order passed by the Deputy Commissioner supra, was the subject matter before the Karnataka Appellate Tribunal² in Appeal No.520/2004. The Tribunal vide its order dated 06.11.2009, allowed the appeal and set-aside the order of cancellation of Grant which has attained finality, as the same was not carried forward by the State Authorities.

4.4 In the interregnum, the Karnataka Industrial Area Development Board³, initiated acquisition proceedings under the Karnataka Industrial Area Development Act, 1966⁴, by issuing Preliminary Notification dated 24.11.2006, followed by Final Notification dated 15.05.2007 under Section 28(1) and 28(4), respectively.

² The Tribunal, for short

³ The KIADB, for short

⁴ Act of 1966, for short



4.5 The petitioners, at the earlier point of time, after the order passed by the Tribunal, called in question the acquisition proceedings by filing W.P.No.23505-23506/2012, which were dismissed by means of order of the Writ Court dated 26.11.2012. The matter was carried unsuccessfully in W.A.No.8793-94/2012.

4.6 It was the further case of the petitioners that , the Writ Appeal Court while disposing of the Writ Appeal, at paragraph No.8 and 9 has observed as under:

- "8. *Admittedly, the acquisition proceedings were completed long back. If really the appellants is in possession of the properties by letting out the same to Vikrant Tyres, it only shows that the actual possession is not taken. Where the area is acquired for construction of industrial shed and if the appellants have any grievance it is always open for the appellants to approach KIADB since possession is not taken and since the appellants have constructed an industrial shed.*
9. *With the above observation, we dispose of these appeals. If such a representation is given the same by the appellants, the same shall be considered in the terms of the directions issued by this Court*



taking into consideration, the existence of industrial shed."

4.7 On the basis of the window provided in the order passed in the Writ Appeal, a representation was filed before the SLAO on 28.04.2015 with a prayer that the proceedings for acquisition of land in Sy.No.129/2 of Mogarahalli Village, which was already converted to industrial purpose be ordered to be regularized in favor of the petitioners. The SLAO, thereafter given personal hearing to the petitioners and other parties and after conducting spot inspection, has come to a conclusion that there is no industrial activity being carried out by the applicant in the said area and in fact the entire area is under the possession of KIADB and rejected the application, by means of order dated 25.11.2015. This order was the subject matter in the present Writ Petition.

4.8 The Writ Court after consideration of rival submissions, was of the opinion that once the



petitioners failed in their challenge in respect of the acquisition proceedings, which were upheld in the Writ Petition as well as Writ Appeal, cannot take another round on the same claim in an indirect way of seeking quashing of the acquisition proceedings, which is not permissible in law. As such, held that such a conduct amounts to abuse of process of law.

4.9 The Writ Court further observed that the dispute relating to possession or revenue entries do not invalidate statutory acquisition. At the best, they may be relevant for compensation. Further that there cannot be any fault found with the order passed by the SLAO dated 25.11.2015, as the same was passed pursuant to the liberty/ window provided by the Division Bench. The Authority acted within its jurisdiction and no permissive arbitrariness or violation of natural justice is demonstrated. Hence, the petitioners are not permitted to reopen the issues that has already attained finality. Accordingly,



dismissed the Writ Petition and also dismissed I.A.Nos.1/2023, 2/2023 and 1/2025. However, a liberty was reserved to the petitioners' only to pursue remedy available for compensation in accordance with law. It is this order passed by the Writ Court is called in question in this appeal.

5. Heard, Sri.Ashok B.Patil, learned counsel appearing for the appellants, Sri.B.Ravindranath, learned Additional Government Advocate appearing for respondents 1 to 4, Sri.Shashi Kiran Shetty, learned Senior counsel assisted by Sri.B.B.Patil, learned counsel appearing for respondents 5 & 6 and Sri.K.G.Raghavan, learned Senior counsel assisted by Ms.Maneesha Kangovi, learned counsel appearing for respondent No.7.

6. Sri.Ashok B.Patil, learned counsel appearing for the petitioners'/ appellants submits that the possession is with the petitioners and the same is continued. The action taken by the Government canceling the Grant is in the



absence of the petitioners, however immediately thereafter, they have challenged the order before the KAT and the stay order has been issued by the KAT during the pendency of the appeal in respect of the order as well as entries. After the purchase of the property, the lands were converted into non-agricultural industrial purposes and they have constructed a shed and rented the same in favor of Vikrant Tyres and now rented the same to other tenant, who is running a small industry in the aforesaid land. The possession continued and by means of order setting aside the cancelation of Grant order, their rights in respect of the lands restored. There was no notice issued against the petitioners regarding taking of possession, as such the acquisition proceedings is bad in law.

7. He further submits that liberty was reserved by means of creating a window by the coordinate Bench of this Court in the earlier Writ Appeal, permitting the petitioners to file their representation on the basis of their possession, which has been recorded as, 'not taken by the



KIADB', in the Writ Appeal order, clearly gives them right to seek their claim in all aspects, including to question the acquisition proceedings. He further submits that no award has been passed in the name of petitioners, as such the entire proceedings required to be quashed in respect of the lands measuring 03 Acre 14 Guntas in the aforesaid Survey numbers. The Writ Court has failed to consider this aspect of the matter, which has resulted in miscarriage of justice and sought to allow the appeal.

8. In contrast, Sri.Shashi Kiran Shetty, learned Senior counsel appearing on behalf of the KIADB, stressing on the notice of taking possession dated 05.11.2009 submits that, notice was issued much prior to the order passed by the KAT dated 06.11.2009 in favor of the petitioners. The lands were shown as Government lands, as such possession has been taken. Further, learned Senior counsel submits that the petitioners having failed in their attempt calling in question the acquisition proceedings on the earlier occasion, now cannot be given



wings to fly high more than the one by means of window created by the order passed in the Writ Appeal. A liberty granted was very much limited.

9. Sri.Shashi Kiran Shetty, learned Senior counsel with all fairness submits that the window provided to the petitioners under the Writ Appeal order at the most can be stretched only to seek better/proper compensation and not otherwise, which the Writ Court has already granted by means of reserving liberty and accordingly, sought to dismiss the Writ Appeal.

10. Sri.K.G.Raghavan, learned Senior counsel with all humbleness submits that though respondent No.7 has nothing to do with the dispute between the petitioners and the KIADB, but only to assist as an Officer of the Court, referred to certain part of the order passed by the SLAO in respect of the claim of possession by the petitioners in his order dated 25.11.2015. Learned Senior counsel submits that the SLAO recorded a categorical finding on the basis



of report of the Development Officer that, the lands have already been allotted for industrial purposes and on spot inspection, there is no industrial activity being carried out by the applicant in the said area, in fact the entire area is under the possession of KIADB. As such, the petitioners' claim that they are in possession of the lands is just a myth and nothing more than that.

11. Having considered the rival submissions, we have perused the entire Writ Appeal papers.

12. We are not impressed with the arguments of learned Senior counsel Sri.Shashi Kiran Shetty, with respect to issuance of notice prior to the date of order passed by the KAT. However, we find some force in the alternative submission made by learned Senior counsel Sri.Shashi Kiran Shetty, that the petitioners at the most be considered for better/proper compensation in terms of liberty reserved by the Writ Court.



13. As per the order passed by the coordinate Bench of this Court in the earlier Writ Petition and Writ Appeal, staking a challenge to the acquisition proceedings, there is a clear order of upholding the acquisition proceedings, which were not intervened in the Writ Appeal stating that the acquisition proceedings were completed long back. However, considering the submission that possession has not been taken, a small window was provided to submit a representation with the SLAO on the basis of the claim that possession has not been taken. This liberty/window provided/ created in the Writ Appeal order cannot be stretched again, as a liberty to the petitioners to reopen the claim with regard to acquisition proceedings, which are already been answered as completed and locked. At the best, it can be construed to seek for better/proper compensation as rightly submitted by learned Senior counsel Sri.Shashi Kiran Shetty.



14. The Writ Appeal Court has declined to interfere with the order, however reserved liberty, if any in law only to seek for proper compensation.

15. This Court in W.P.No.24075/2016 and connected matters, relying on the Judgment of the Supreme Court, at paragraph Nos.5 to 9, has held as under:

*"5. Having regard to the narrow compass within which the issue to be considered lies, it would be relevant to notice the observations of the Apex Court in the case of **Ram Chand And Others Vs. Union of India And Others**⁵ which was culled out in the judgment in **Bernard Francis** (supra) as under:*

*" 16. On behalf of the respondents, it was pointed out that the petitioners have approached this Court only after making of the awards, or when awards were to be made, having waited for more than fourteen years, without invoking the jurisdiction of the High Court under Article 226 or of this Court under Article 32. It is true that this Court has taken note of delay on the part of the petitioners concerned in invoking the jurisdiction of the High Court or of this Court for quashing the land acquisition proceedings on the ground that the proceedings for acquisition of the lands in question have remained pending for more than a decade, in the cases of **Aflatoon v. Lt. Governor of Delhi [(1975) 4 SCC 285]** and **Ramjas Foundation v. Union of India [1993 Supp (2) SCC 20 : AIR 1993 SC***

⁵ 1994 SCC (1) 44



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852] *According to us, the question of delay in invoking the writ jurisdiction of the High Court under Article 226 or of this Court under Article 32, has to be considered along with the inaction on the part of the authorities, who had to perform their statutory duties. Can the statutory authority take a plea that although it has not performed its duty within a reasonable time, but it is of no consequence because the person, who has been wronged or deprived of his right, has also not invoked the jurisdiction of the High Court or of this Court for a suitable writ or direction to grant the relief considered appropriate in the circumstances? The authorities are enjoined by the statute concerned to perform their duties within a reasonable time, and as such they are answerable to the Court why such duties have not been performed by them, which has caused injury to claimants. By not questioning, the validity of the acquisition proceedings for a long time since the declarations were made under Section 6, the relief of quashing the acquisition proceedings has become inappropriate, because in the meantime, the lands notified have been developed and put to public use. The lands are being utilised to provide shelter to thousands and to implement the scheme of a planned city, which is a must in the present set-up. The outweighing public interest has to be given due weight. That is why this Court has been resisting attempts on the part of the landholders, seeking quashing of the acquisition proceedings on ground of delay in completion of such proceedings. But, can the respondents be not directed to compensate the petitioners, who were small cultivators holding lands within the ceiling limit in and around Delhi, for the injury caused to them, not by the provisions of the Act, but because of the non-exercise of the power by the authorities under the Act within a reasonable time? "*

6. Moreover, it is well settled by now, that in the matter of determination and award of compensation for acquisition of lands, similarly situated persons are required to be compensated similarly. There cannot be



discrimination in the matter of determination and award of compensation. It is also necessary to notice that in the Land Acquisition Act, 1894, care is taken to ensure determination of compensation and award in a fair and just manner and that there shall not be discrimination. Section 28A of the Act, 1894 is put in place to ensure re-determination of the amount of compensation on the basis of a subsequent award passed by the Court. The egalitarian concept of ensuring fair and just compensation has left its imprint throughout the statute.

7. Coming to the contention of the respondents that the Hon'ble Apex Court has exercised its powers under Article 142 of the Constitution of India and therefore such directions cannot be issued by this Court, it is relevant to notice paragraph No.52 of the judgment which reads as follows:

"52. No doubt that as already observed by us hereinabove, we do not find any error in the approach adopted by the learned Single Judge of the High Court in holding that the SLAO could not have shifted the date and it could have been done only by this Court in exercise of powers under Article 32/142 of the Constitution of India or by the High Court under Article 226 of the Constitution of India. However, the learned Single Judge of the High Court instead of relegating the appellants to again go through the rigors of determination by SLAO, ought to have exercised powers under Article 226 of the Constitution to do complete justice. Even the Division Bench of the High Court on a hyper technical ground has non-suited the appellants."

8. It is therefore clear that the Apex Court expected the learned Single Judge and the Hon'ble Division Bench of this Court to have exercised powers



under Article 226 of the Constitution to do complete justice. Therefore, the contention of the respondents in this regard is required to be rejected and is accordingly rejected.

9. *The Hon'ble Apex Court, in paragraphs No.54 to 56 of the judgment in **Bernard Francis** (supra) has eloquently captured the reasons for issuing such direction to the SLAO to pass a fresh award taking the market value prevailing as on 22.04.2019. It is held that if the compensation to be awarded at the market value as of the year 2003 is permitted, it would amount to permitting a travesty of justice and making the constitutional provisions under Article 300A a mockery."*

16. The Judgment of the Writ Court is confirmed in W.A.No.1437/2025 along with connected matters, disposed of on 28.04.2026.

17. Though Sri.Ashok B.Patil, persistently stressing on the point of possessions submitted that there is no possession taken, the said point is given quietus by the order dated 25.11.2015 stating that the lands are in possession of the KIADB, as there are no industrial activities being carried out by the application in the said area.



18. To the query of the Court, Sri.Ashok B.Patil, with all fairness submits that earlier there was a shed, which was leased to Vikrant Tyres and they have vacated the same and subsequently, after passing of the order in the Writ Appeal, the shed was leased to other tenant, who is running small industry, however as per the report, there is no such activity being carried out.

19. In view of the window provided, the only benefit can be given to the petitioners is postponing the consideration of market value. We are of the considered opinion that if the SLAO is directed to pass fresh award in respect of the lands in the name of the petitioners, postponing the market value to 01.12.2015, it would meet the ends of justice, as the SLAO has passed the orders on 25.11.2015 on the claim of possession of the petitioners. This, results in putting a quietus to the long legal battle, which was earlier ended in failure, but for the limited extent provided in the Writ Appeal only to the extent of seeking better/proper compensation. In that view of the



matter, we ***dispose of*** this Writ Appeal, directing the KIADB to pass fresh award postponing the date of market value to 01.12.2015 with all other benefits in terms of law, within a period of two months from the date of receipt of certified copy of this order. The petitioners are at a liberty to produce the certified copy of this order before the authority concerned to take action at the earliest.

20. In view of disposal of the Writ Appeal, pending interlocutory applications, if any, stand disposed of.

**Sd/-
(D K SINGH)
JUDGE**

**Sd/-
(T.M.NADAF)
JUDGE**

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