



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 11TH 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. 302 OF 2025 (LA-RES)

BETWEEN:

RAILWAYMENS HOUSE BUILDING
CO-OPERATIVE SOCIETY LTD.,
REPRESENTED BY ITS SECRETARY,
HAVING ITS REGISTERED OFFICE
AT SOUTH WESTERN RAILWAY
INSTITUTE BUILDING,
M.G. RAILWAY COLONY,
BENGALURU - 560 023.

...APPELLANT

(BY SRI. D.R. RAVISHANKARA, SR. ADVOCATE A/W
SRI. AMOGHA R. SHARMA, ADVOCATE,
SRI. RAJESWARA P N., ADVOCATE)

AND:

1. SMT MARILINGAMMA
AGED ABOUT 87 YEARS,
W/O LATE LINGAIAH,

SRI. PUTTARAJAIAH L
AGED ABOUT 64 YEARS,
S/O LATE LINGAIAH,
DEAD REP BY HIS LRS.,
2. SMT. MUNIRATHNA,
W/O LATE PUTTARAJAIAH L,
AGED ABOUT 57 YEARS,



3. SRI. MAHENDRA,
S/O LATE PUTTARAJAIAH L,
AGED ABOUT 34 YEARS,

BOTH RESIDING R2 & R3
RESIDING AT NO.12,
GROUND FLOOR, 3RD MAIN,
CHAMUNDESHWARI LAYOUT,
VIDYARANAPURA POST,
BENGALURU - 560 097.
4. SRI. PUTTASWAMY L.,
AGED ABOUT 69 YEARS,
S/O LATE LINGAIAH,
5. SRI. NARAYANA L.,
AGED ABOUT 67 YEARS,
S/O LATE NINGAIAH
6. SRI. KAMALAMMA L.,
AGED ABOUT 63 YEARS,
D/O LATE LINGAIAH,
7. SRI. SHIVALINGAIAH L.,
AGED ABOUT 69 YEARS,
S/O LATE LINGAIAH,
8. SRI. L. RAVIKUMAR,
AGED ABOUT 63 YEARS,
S/O LATE LINGAIAH,

ALL ARE R/AT NO.296,
1ST BLOCK,
3RD MAIN ROAD,
PEENYA,
BENGALURU - 560 058.
9. STATE OF KARNATAKA,
REP BY ITS PRINCIPAL SECRETARY,
REVENUE DEPARTMENT,
M.S.BUILDING,



VIDHANA SOUDHA,
DR. B.R. AMBEDKAR VEEDHI,
BENGALURU - 560 001.

10. THE DEPUTY COMMISSIONER,
BENGALURU URBAN DISTRICT,
BENGALURU - 560 009.
11. THE SPECIAL LAND
ACQUISITION OFFICER,
PODIUM BLOCK,
VISHWESHWARAIHA TOWERS,
BENGALURU - 560 001.
12. SRI. B.S. LAKSHMAPPA,
S/O H SANJEEVAPPA,
AGED MAJOR,
BUILDING CONTRACTOR,
S N ESTATE GOKULA EXTENSION,
BENGALURU - 560 054.
13. M/S. RAILWAY LAYOUT,
3RD PHASE RESIDENTS
WELFARE COMMITTEE,
REPRESENTED BY ITS PRESIDENT
HAVING ITS REGISTERED OFFICE
AT NO.15, 2ND CROSS,
BHAVANI NAGAR,
RAILWAY LAYOUT,
3RD PHASE BEHIND
VAIDHYANATHAN SCHOOL,
BENGALURU - 560 056.

...RESPONDENTS

(BY SRI. K.N. PHANINDRA, SR. COUNSEL FOR
SRI. B. RAMESH, ADVOCATE FOR C/R8,
SRI. UDAY HOLLA, SR. COUNSEL FOR
SRI. SACHIDANANDA K. FOR R13,,
SRI. B. RAVINDRANATH, AGA FOR R19, R10 & R11)



THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT, 1961, PRAYING TO SET ASIDE THE ORDER DATED:27.01.2025 IN WP No.13917/2008 (LA-RES) PASSED BY THE LEARNED SINGLE JUDGE OF THIS HON'BLE COURT AND CONSEQUENTLY DISMISS THE WRIT PETITION.

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 fourth respondent in W.P.No.13917/2008 is before us in this intra Court appeal filed under Section 4 of the Karnataka High Court, 1961, assailing the order dated 27.01.2025 passed by the Writ Court.

2. Under the impugned order, the Writ Court allowed the Writ Petition, thereby quashed the Preliminary Notification dated 05.08.1988 (Annexure-C), Final Notification dated 31.08.1989 (Annexure-G) and Notification dated 30.04.1999, published in the Karnataka Gazette dated 06.05.1999 (Annexure-Q) and Official



Memorandum dated 23.07.1999 (Annexure-Q1) as the acquisition proceedings has lapsed.

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

4. Facts in brief leading to file the present appeal are as under:

4.1 The petitioners claim to be the absolute owners in possession of land bearing Sy.No.106/2 measuring 03 Acres situated at Mallathahalli Village, Yeshwanthpur, Bengaluru North Taluk. The petitioners are having a factory named 'Navarathna Granites' and a portion of the land is being cultivated in the schedule property. It is their further claim that the land stated supra was purchased under registered Sale Deed dated 12.11.1984 and the revenue records were effected in the name of father of petitioner Nos.2 to 7.

4.2 Respondents 1 to 3 initiated acquisition proceedings by means of Preliminary Notification dated



04.08.1988 under Section 4(1) of the Land Acquisition Act, followed by the Final Notification dated 31.08.1989 under Section 6(1) of the Land Acquisition Act, proposing to acquire four items of the land in favour of respondent No.4 - Society, wherein, the land stated supra belonging to the petitioner was also part.

4.3 The petitioners contended before the Writ Court that respondent No.4 - Society has indulged in real estate business involving middlemen to grab the land and also have agreement with the private contractors and other unscrupulous persons to acquire the land property illegally. In that regard, certain criminal cases have been filed against the office bearers of respondent No.4 - Society as per Annexure-G1.

4.4 Further, it was contended that as per the G.V.K.Rao Committee report, respondent No.4 Society is acting illegally and in furtherance of the same, the State Government has appointed administrator as per Annexure-



H. It was further contended that though the acquisition proceedings has been initiated, however the respondent authorities have not taken possession of the land in question and therefore, contended that the impugned Notifications have become lapsed due to efflux of time.

4.5 It was further contented that the petitioners have received notice dated 28.12.2007 by respondent No.4 - Society calling upon them to vacate the schedule land and thereafter, respondent No.4 started threatening the petitioners for having not vacated schedule property. In that circumstance, the petitioners were forced to file a suit in O.S.No.1274/2008 seeking relief of declaration with consequential relief of injunction.

4.6 Further it was contented that the Bangalore Development Authority¹ also addressed a letter dated 27.08.2008 (Annexure-V) to the Government to drop the acquisition proceedings on the ground of not taking

¹ the BDA, for short



possession of the land in question. In that view of the matter, it was the claim of the petitioners that though the acquisition proceedings initiated but possessions are still left with the landowners, as such the acquisition proceedings have not reached their logical end and also the Government is willing to drop the acquisition proceedings. The petitioners have presented the petition, calling in question the Notifications as lapsed under Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013².

4.7 Before the Writ Court, it was contended by the appellant/respondent No.4 that the acquisition proceedings have been completed by means of issuance of Final Notification, passing of award and taking possession under Section 16(2) of the Land Acquisition Act and the same was delivered to the Society on 20.11.1998. The Society thereafter started laying of layout and formed 53

² Act of 2013



sites and sold all the sites in favor of the allottees/ members. As such, there remains nothing to consider in the case.

4.8 The Writ Court following the Judgment of ***DHARNIDHER MISHRA (D) AND ANOTHER VS. STATE OF BIHAR AND OTHERS***³ and ***KOLKATA MUNICIPAL CORPORATION AND ANOTHER VS. BIMAL KUMAR SHAH AND OTHERS***⁴, observed that though the impugned Notifications have been issued in the year 1988, however, the same have not been given effect to and not implemented by the respondent authorities. As such, the respondent authorities have abandoned the scheme of acquisition with respect to subject land and accordingly, held that the acquisition proceedings have been obliterated/ lapsed. With this finding, allowed the Writ Petition and set aside the Notifications called in question.

³ (2024) 10 SCC 604

⁴ AIR 2024 SC 2819



It is this order passed by the Writ Court is called in question in this appeal by respondent No.4.

5. During the pendency of this appeal, an application in I.A.No.1/2025 came to be filed by the Members of the Society who are the subsequent purchasers. This Court vide order dated 23.09.2025, allowed the application, permitting the impleading applicants to come on record and the amended memorandum of appeal came to be filed carrying amendment in the cause title.

6. After hearing the matter for some time, this Court on 11.12.2025 on the submission of appellant, passed the following order:

"Learned counsel for the appellant submits that he will take instructions whether the allottees of the land in questions would pay the compensations to the land owner at the market rate prevailing as of today.

Post this appeal on 07.01.2026.



We also make it clear that the land owner would be entitled to get back their sites which have not been allotted and are vacant."

7. Subsequently, on 06.04.2026, the impleading applicants were directed to take instructions for making payment of Rs.5,00,000/- each in favor of the land owners and listed the matter on 17.04.2026. Thereafter, the matter was adjourned to 04.06.2026.

8. Sri.Uday Holla, learned Senior counsel appearing for the impleading applicants, with all fairness submits that the applicants are ready to pay the amount. However, with little bargain at the rate of Rs.4,00,000/- per site.

9. We having considered the fair submissions of learned Senior counsel Sri.Uday Holla, directed learned counsel for the petitioners to take instructions and make submission on the next date of hearing i.e., on 10.06.2026.



10. When the matter was listed on 10.06.2026, Sri.K.N.Phanindra, learned Senior counsel appearing for the petitioners assisted by Sri.B.Ramesh, submits that there are several vacant sites available with the Society and the Society may be directed to hand over possession of the said sites to the petitioners without prejudice to their rights.

11. Sri.D.R.Ravishankar, learned Senior counsel assisted by Sri.Rajeshwara.P.N, learned counsel for the respondent No.4/ appellant herein on instruction by the party submits that, there are no sites available in the land, as all are sold by way of registered Sale Deeds in favour of the members. In that view of the matter, we passed the following order on 10.06.2026, and listed the appeal on 11.06.2026.

"We direct the Secretary, Railwaymens House Building Co-operative Society to file his personal affidavit stating whether any vacant site is available in respect of the land allotted to the said Society or not by tomorrow.

Post this appeal on 11.06.2026."



12. Today, Sri.D.R.Ravishankar, learned Senior counsel files an affidavit of Sri.Chandrashekar Bhat, Chief Executive Officer, Railwaymens House Building Co-operative Society, M.G.Railway, Bengaluru and states on oath that subsequent to allotment of land in favor of the appellant - Society, the Society formed residential layout and sold all the sites in favour of various purchasers who are the members of the Society. The Society has not retained any plot/ site or portion of land forming part of the layout and no land is left with the Society for allotment or sale and makes the stand clear by means of paragraph Nos.4, 5 and 6 of the affidavit filed on 11.06.2026, which reads as under:

"4. I state that the Appellant Society obtained layout plan approvals from the BDA and applied for and obtained layout sanction from the BDA. Sites in the acquired land, including Sy.No.106/2, were distributed and allotted to society members. Sale deeds were executed for most of the allotted plots creating third party rights.

5. I state that the Learned Single Judge did not consider that after the acquisition proceedings, third party rights have been created, most of the plots have



been allotted, and sale deeds are already executed for the members of the Appellant's Society and constructions have already taken place. The same was also urged before the Writ Court in our Statement of Objections and also during the course of arguments.

6. I state that the photographs of the fully constructed buildings and the details of the sale deeds of the purchasers of the said plots are already furnished in the impleading application which was filed by the M/s.Railway Layout 3rd phase Residents Welfare Committee i.e., the respondent No.13 herein which shows that the possession was taken by the Government and handed over to the Appellant Society, who in turn had allotted the sites to the allottees."

13. When the same was queried with learned Senior counsel Sri.K.N.Phanindra, appearing for the petitioner along with Sri.B.Ramesh, he submitted that the petitioners would like to go for hearing on merits rather than accepting the proposal. In that view of the matter, we have heard learned counsel appearing for the respective parties.

14. Learned Senior counsel Sri.K.N.Phanindra, referring to the memo dated 28.11.2025 filed along with



documents invited our attention to the affidavit filed by the Land Acquisition Officer at Page No.20 and stressed on Paragraph No.5 of the affidavit stating that the award amount is lying in the State Treasury and further invited our attention to Challan for having deposited the amount at Page Nos.24 & 26 to contend that the amount was deposited much earlier to the Award and Notification. As such, the same are in respect of certain other transactions and not concerned with the present acquisition.

15. Refuting the submission of learned Senior counsel Sri.K.N.Phanindra, Sri.D.R.Ravishankar, learned Senior counsel appearing for the Society with all vehemence submits that earlier the entire lands were acquired for the Society. Thereafter, the BDA issued Notification under Section 17, acquiring 03 acres of land in Sy.No.106/2 of Mallathahalli Village, which has already been acquired in favour of the petitioner for which the compensation had paid much earlier, again acquired by the BDA, surprisingly without showing the name of the



petitioner-Society in the preliminary as well as final Notifications. This acquisition of 03 acres of land in Sy.No.106/2 of Mallathahalli Village was the subject matter in W.P.No.15053/2004 filed by the Society against the BDA. The Writ Court having considered the fact that, the subject land in dispute had already been acquired in favour of the Society was again acquired by the BDA without showing the name of the petitioner-Society in the preliminary as well as Final Notification held to be bad in law. Accordingly, quashed the same holding that the land in question was earlier acquired for the benefit of the petitioner-Society by the State Government, the authority could not have again acquired the land in question by issuing impugned Notification. Further, considering the submissions of learned counsel for BDA that, the authority would look into the matter and it would exclude the land from acquisition, the prayer of the petitioner in the writ petition was allowed and Notification dated 08.04.2004 and 09.09.2003 insofar as they relate to Sy.No.106/2 of



Mallathahalli Village, measuring 03 acres vide Annexures-A and B respectively in that writ petition were quashed.

16. In that view of the matter, the contentions of Mr.K.N.Phanindra, learned Senior counsel have no legs to stand. He further submits that the entire amount has been deposited with the treasury and in view of the settled position of law by this Court as well as the Supreme Court, depositing amount with the treasury is more than sufficient confidence in furtherance of acquisition proceedings. Further learned Senior counsel submits that, the notice issued and the letter issued by BDA have nothing to do with the case, in view of earlier concluded proceedings stated supra.

17. When queried, Sri.K.N.Phanindra, learned Senior counsel with all fairness has not disputed the position of law, with regard to deposit of award amount with the treasury.



18. Admittedly, the Notifications were issued in the year 1988, which reached its logical end i.e., completed by means of deposit and issuance of Section 16(2) Notification on 06.05.1999. A Layout has been laid, sites have been formed and sold in favour of the members of the Society and several super structures have been constructed by the members, who were subsequently impleaded in this appeal as parties. The acquisition proceedings came to be questioned originally in the year 2008 seeking quashing of the proceedings and subsequently amended as lapsed under Section 24(2) of the Act of 2013. There is an inordinate delay of 20 years in taking recourse.

19. The Supreme Court in the case of **INDORE DEVELOPMENT AUTHORITY VS. MANOHARLAL**⁵, has held that once the proceedings are concluded, there cannot be any new cause of action by means of

⁵ (2020) 8 SCC 129



subsequent development in law. The Supreme Court at paragraph No.356 of the Judgment, has held as under:

"356. We are of the opinion that courts cannot invalidate acquisitions, which stood concluded. No claims in that regard can be entertained and agitated as they have not been revived. There has to be legal certainty where infrastructure has been created or has been developed partially, and investments have been made, especially when land has been acquired long back. It is the duty of the Court to preserve the legal certainty, as observed in Vodafone International Holdings BV v. Union of India [Vodafone International Holdings BV v. Union of India, (2012) 6 SCC 613 : (2012) 3 SCC (Civ) 867]. The landowners had urged that since the 2013 Act creates new situations, which are beneficial to their interests, the question of delay or laches does not arise. This Court is of the opinion that the said contention is without merits. As held earlier, the doctrine of laches would always preclude an indolent party, who chooses not to approach the court, or having approached the court, allows an adverse decision to become final, to reagitate the issue of acquisition of his holding. Doing so, especially in cases, where the title has vested with the State, and thereafter with subsequent interests, would be contrary to public policy. In A.P. State Financial Corpn. v. Gar Re-



Rolling Mills [A.P. State Financial Corpn. v. Gar Re-Rolling Mills, (1994) 2 SCC 647], this Court observed that equity is always known to defend the law from crafty evasions and new subtleties invented to evade the law. There is no dearth of talent left in longing for the undue advantage of the wholesome provisions of Section 24(2) on the basis of wrong interpretation."

20. Once the acquisition proceedings have attained finality by the deposit of compensation, taking possession of the land, handing over the same to the Society, formation of layout, and subsequent sale of sites to Members who have raised superstructures thereon, the validity of such acquisition cannot be reopened or challenged at a later stage on the ground of new cause of action. The Writ Court has failed to consider this aspect of the matter. As such, the finding of the Writ Court that the acquisition Notification issued in 1988 had not been acted upon or implemented and that the acquisition e insofar as the subject land amounts to abandonment of Scheme is wholly misplaced and unsustainable in law.



21. In that view of the matter, we find force in the argument of Sri.D.R.Ravishankar, learned Senior counsel appearing for the appellant that the acquisition has been properly implemented and reached its logical end in terms of the provisions of the Land Acquisition Act. In that view of the matter, the order passed by the Writ Court calls for interference at our hands. Accordingly, we **allow** the Writ Appeal and set-aside the order passed by the Writ Court. Consequently, dismiss the Writ Petition. However, without costs.

22. 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

TKN
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