



CNR: KAHC010138832024

NC: 2026:KHC:48391
RP No. 100 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 7TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR

REVIEW PETITION NO. 100 OF 2024

BETWEEN:

1. THE COMMISSIONER
BENGALURU DEVELOPMENT AUTHORITY,
BY ITS COMMISSIONER ,
KUMARA PARK WEST
BENGALURU - 560 020.
2. THE SPECIAL LAND ACQUISITION OFFICER
BENGALURU DEVELOPMENT AUTHORITY,
BY ITS COMMISSIONER ,
KUMARA PARK WEST
BENGALURU - 560 020.

...PETITIONERS

(BY SRI. M.H. HANEEF AND SMT. RUKSANA .M.H, ADVOCATES)

AND:

1. SRI J NANDA KISHORE
S/O LATE A N JANARDHANA REDDY
AGED 35 YEARS
2. SMT K SUDHAMMA
W/O LATE A N JANARDHANA REDDY
AGED 64 YEARS

BOTH RESPONDENTS NO.1 & NO.2
ARE RESIDENTS OF
AGARA VILLAGE AND POST,
BEGUR HOBLI
BENGALUR - 560 034.
3. THE STATE OF KARNATAKA
REPRESENTED BY ITS SECRETARY
REVENUE DEPARTMENT,
M S BUILDING
BENGALURU- 560 001.

Digitally
signed by
VANDANA S
Location:
High Court
of Karnataka



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4. THE TAHSILDAR
BENGALURU SOUTH TALUK,
KANDAYA BHAVAN, K G ROAD,
BENGALURU - 560 009.

...RESPONDENTS

(BY SRI. SREERAMA REDDY S.M, ADVOCATE FOR R-1 & R-2
SRI. KESHAVAMURTHY.H.B, AGA FOR R-3 & R-4)

THIS REVIEW PETITION UNDER SECTION 96 READ WITH ORDER XLVII RULE 1 OF THE CPC, PRAYING TO REVIEW THE JUDGMENT DATED 02.03.2023 PASSED IN RFA 449 OF 2020 IN SO FAR AS DIRECTING THE RESPONDENTS NO. 3 AND 4 TO ALLOT THE SITES UNDER INCENTIVE SCHEME IS CONCERNED AND PASS SUCH OTHER SUITABLE ORDER OR ORDERS AS DEEMED FIT AND PROPER TO GRANT IN THE CIRCUMSTANCES OF THE CASE, TO MEET THE ENDS OF JUSTICE.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR

ORAL ORDER

This review petition by the Bangalore Development Authority (BDA) and the Spl.LAO, BDA, takes an exception to the judgment and decree dated 02.03.2023 whereby RFA No.308/2021 filed by the State of Karnataka c/w RFA No.449/2020 filed by the BDA - review petitioner was dismissed by this Court.



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2. Heard learned counsel for the review petitioners and learned counsel for respondents 1 and 2 as well as learned AGA for respondents 3 and 4 and perused the material on record.

3. A perusal of the material on record will indicate that respondents 1 and 2 - plaintiffs instituted a suit in O.S.No.1308/2013 before the trial court seeking declaration, damages and other reliefs in relation to the suit schedule immovable property. In the said suit, the State of Karnataka and Tahsildar were arrayed as defendants 1 and 2, while the BDA and the SLAO, BDA were arrayed as respondents 3 and 4. By the judgment and decree dated 15.10.2019, the trial court decreed the suit in favour of respondents 1 and 2 - plaintiffs against the review petitioners and defendants 3 and 4 as well as the State of Karnataka and the Tahsildar who are arrayed as defendants 1 and 2 in the suit. Aggrieved by the said judgment and decree dated 15.10.2019 passed in O.S.No.1308/2013, the State of Karnataka and Tahsildar (defendants 1 and 2) preferred RFA No.308/2021, while BDA and the SLAO, BDA who are defendants 3 and 4 preferred connected RFA No.449/2020. After contest, this Court



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proceeded to dismiss both RFA No.308/2021 filed by the State of Karnataka and Tahsildar as well as RFA No.449/2020 filed by the BDA and the SLAO, BDA, who are review petitioners in the present review petition vide judgment and decree dated 02.03.2023.

4. It is a matter of record and an undisputed fact that in view of the aforesaid judgment and decree dated 02.03.2023 passed by this Court dismissing RFA No.449/2020 filed by defendants 3 and 4 i.e., BDA and SLAO, BDA - review petitioners herein, did not approach the Apex Court by filing the SLP, on the other hand, it was the State of Karnataka and Tahsildar approached the Apex Court in SLP (C) Diary No(s).42771/2023, in which, there were only two petitioners i.e., the State of Karnataka and the Tahsildar and the BDA and SLAO, BDA were arrayed as respondents 3 and 4 before the Apex Court in the SLP, in which, the original plaintiffs were arrayed as respondents 1 and 2. The aforesaid SLP (C) Diary No(s).42771/2023 was disposed of vide order dated 03.11.2023 without interfering with the judgment and decree passed by this Court in RFA No.308/2021 dated 02.03.2023 as hereunder:-

“ 1. Delay condoned.



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2. *The State of Karnataka and its authorities are aggrieved by the judgment dated 02.03.2023 passed by the Karnataka High Court, whereby the decree passed by the Additional City Civil and Sessions Judge, Bengalore City in O.S. No.1308/2013, granting compensation to the private respondents for their acquired and utilised land, has been upheld. The record reveals and it could not be disputed before us that the State of Karnataka did not file any written statement to contest the civil suit. The decree attained finality, however, in the Regular First Appeal a plea was raised and some additional documents were sought to be placed on record to suggest that the nature of acquired land is different than what has been held by the Civil Court. Such a plea has been turned down by the High Court and rightly so. In these circumstances, we do not find any ground to*

interfere with the impugned judgment of the High Court.

3. *Faced with this, learned State counsel submits that the Civil Court has not only granted compensation to the private respondents, but has further held them "entitled for sites under the incentive scheme from defendant nos.3 and 4". It is urged that such a relief is not admissible to the private respondents.*

4. *We find that no plea against the above-stated relief was raised before the High Court. It may, therefore, not be expedient for this Court to express any opinion in relation thereto. Suffice it would be to grant liberty to the State and its authorities to apply for review on the above-stated limited point.*

5. *With liberty aforementioned, the special leave petition is dismissed.*

6. *All pending applications, if any, stand disposed of."*

5. As can be seen from the aforesaid order passed by the Apex Court, liberty was reserved only in favour of the State of



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Karnataka and Tahsildar to file a review petition that too on limited ground before this Court.

6. It is a matter of record and an undisputed fact and as fairly submitted by the learned AGA that pursuant to the aforesaid order passed by the Apex Court, respondents 3 and 4 – State of Karnataka and Tahsildar have not filed any review petition before this Court, instead the BDA who had not approached the Apex Court and was not granted any liberty to file the present review petition, has attempted to take advantage of the aforesaid order passed by the Apex Court and has approached this Court by way of the present review petition.

7. Under these circumstances, having regard to the specific liberty granted only in favour of respondents 3 and 4 – State and not in favour of the review petitioners – BDA and SLAO, BDA, the question of review petitioners filing the present review petition by attempting to take advantage of the liberty not granted in its favour, but granted only in favour of respondents 3 and 4 would not arise in the facts and circumstances of the instant case. In other words, in the light of the undisputed fact that liberty to file the present review



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petition was granted by the Apex Court only in favour of respondents 3 and 4 – State and Tahsildar and not in favour of the review petitioners, who had undisputedly not approached the Apex Court, I am of the considered opinion that the review petitioners who have not been entitled themselves to rely upon the Apex Court's order or the liberty for the purpose of prosecuting the present review petition which deserves to be dismissed.

8. Even otherwise, a perusal of the judgment and decree passed by this Court will clearly indicate that there is no error apparent on the face of the record warranting interference by this Court under Section 114 r/w Order 47 Rule 1 of CPC and as held in the decisions of the Apex Court in **(i) *Shri Ram Sahu vs. Vinod Kumar Rawat – Civil Appeal No.3601/2020 dated 03.11.2020***, **(ii) *S.Murali Sundaram vs. Jothibai Kannan – (2023) SCC Online SC 185*** **(iii) *S.Madhusudhan Reddy vs. V.Narayana Reddy – Civil Appeal Nos.5503-04/2022 dated 18.08.2022*** and the recent judgment of the Apex Court in the case of **(iv) *Sanjay Kumar Agarwal vs. State Tax Officer –2023 SCC Online SC 1406***, wherein it is held as under:-



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16. The gist of the afore-stated decisions is that:—

(i) A judgment is open to review inter alia if there is a mistake or an error apparent on the face of the record.

(ii) A judgment pronounced by the Court is final, and departure from that principle is justified only when circumstances of a substantial and compelling character make it necessary to do so.

(iii) An error which is not self-evident and has to be detected by a process of reasoning, can hardly be said to be an error apparent on the face of record justifying the court to exercise its power of review.

(iv) In exercise of the jurisdiction under Order 47 Rule 1 CPC, it is not permissible for an erroneous decision to be “reheard and corrected.”

(v) A Review Petition has a limited purpose and cannot be allowed to be “an appeal in disguise.”

(vi) Under the guise of review, the petitioner cannot be permitted to reagitate and reargue the questions which have already been addressed and decided.

(vii) An error on the face of record must be such an error which, mere looking at the record should strike and it should not require any long-drawn process of reasoning on the points where there may conceivably be two opinions.

(viii) Even the change in law or subsequent decision/judgment of a co-ordinate or larger Bench by itself cannot be regarded as a ground for review.



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9. In view of the foregoing reasons, the review petition is devoid of merits and the same is hereby dismissed.

Since no satisfactory explanation is offered by the review petitioners, I.A.1/2024 filed for condonation of delay also stands dismissed.

**Sd/-
(S.R.KRISHNA KUMAR)
JUDGE**

Srl.