



CNR: KAHC010138922015

NC: 2026:KHC:54442
WP No. 2252 of 2015

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE R. NATARAJ

WRIT PETITION NO. 2252 OF 2015 (LA-KHB)

BETWEEN:

SMT. JAYAMMA
W/O LATE YELLAPPA REDDY
AGED ABOUT 65 YEARS
RESIDING AT NO.120/1,
4TH MAIN ROAD,
ANNASANDRAPALYA
NEAR PROFESSIONAL COURIERES OFFICE,
H.A.L.POST, BANGALORE-560017

...PETITIONER

(BY SRI. S. SREEVATSA, SENIOR ADVOCATE FOR
SMT. YUKTHA ANIL, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REVENUE DEPARTMENT (LAND ACQUISITION)
BANGALORE-560001
REP BY ITS SECRETARY
2. THE COMMISSIONER
KARNATAKA HOUSING BOARD,
CAUVERY BHAVAN,
BANGALORE-560009
3. THE SPECIAL LAND ACQUISITION OFFICER
KARNATAKA HOUSING BOARD,
CAUVERY BHAVAN,
KEMPE GOWDA ROAD,
BANGALORE-560009
4. SRI. G. SHIVA RAMA REDDY
S/O LATE A.T. GULLA REDDY

Digitally
signed by
HEMALATHA J
Location:
HIGH COURT
OF
KARNATAKA



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AGED ABOUT 54 YEARS
RESIDING AT ADIGONDANAHALLI VILLAGE,
ATTIBELE HOBLI,
ANEKAL TALUK-567601.

...RESPONDENTS

(BY SMT. POOJA M. KOORSE, HIGH COURT GOVERNMENT PLEADER
FOR RESPONDENT NO.1;

SRI. S.A. SUDHINDRA, ADVOCATE FOR RESPONDENT NOS.2 AND 3;
NOTICE SERVED ON RESPONDENT NO.4 AND UNREPRESENTED)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227
OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE
PRELIMINARY NOTIFICATION U/SECTION 4 (1) OF THE LAND
ACQUISITION ACT, 1894 IN NO.KHB.LAO/136/2006-07 ON
19.09.2006 GAZETTED ON 12.10.2006 VIDE ANNEXURE-D ISSUED
BY THE RESPONDENT NO.2 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

ORAL ORDER

The petitioner has called in question a preliminary
notification bearing No.KHB/LAO/136/2006-07 dated
19.09.2006 issued by respondent No.2 under Section 4(1) of
the Land Acquisition Act, 1894 and the final notification bearing
No.KOE:10:LAB:2008 dated 02.02.2008 issued by respondent
No.1 under Section 6(1) of the Land Acquisition Act, in respect
of the land bearing Sy.No.106/2 situate at Adigondanahalli,



Attibele Hobli, Anekal Taluk, Bengaluru, measuring 34 guntas. The petitioner has sought for a writ in the nature of certiorari to quash the award notice dated 02.05.2011 issued by respondent No.3 in respect of the aforesaid land.

2. (i) The petitioner contends that Sy.No.106/2 of Adigondanahalli measured 2 acres of which she purchased 34 guntas from Mr. G. Shivarama Reddy/respondent No.4 in terms of a sale deed dated 10.12.2004. Consequent thereto, proceedings were initiated in M.R.No.26/2004-05 to enter her name in the revenue records. Petitioner claims that her name was thereafter entered in the revenue records after the mutation was accepted by the revenue authorities. The petitioner contends that she was paying the land revenue in respect of the aforesaid property and she was in possession of the aforesaid property. The petitioner contends that respondent No.2 issued a preliminary notification under Section 4(1) of the Land Acquisition Act on 19.09.2006 to acquire Sy.No.106/2 including her land. Petitioner contends that the preliminary notification was not issued in her name, but was issued in the name of her vendor. She contends that the respondent No.1



thereafter issued a final notification again in the name of her vendor and following this, respondent No.3 issued award notice dated 02.05.2011 under Section 12(2) of the Land Acquisition Act, 1894 to her vendor informing him to receive the compensation of a sum of Rs.4,83,312/-.

(ii) The petitioner contends that she came to know of the aforesaid notifications only in the year 2013, when her son went to the revenue office to pay the arrears of land revenue for the year 2013-14. The petitioner then filed an application under Right to Information Act, 2005 seeking information regarding the status of the schedule property. The respondent No.2 then furnished information to the petitioner about the acquisition of the aforesaid land. The petitioner is therefore before this Court challenging the aforesaid notifications as well as the award notice.

3. The learned Senior Counsel for the petitioner submitted that the name of the petitioner was ordered to be entered in the revenue records pursuant to proceedings in M.R.No.26/2004-05 and the name of the petitioner was entered in the revenue records for the year 2005-06. He therefore



contends that it was incumbent upon the respondent Nos.1 and 2 to notify the name of the petitioner in the notifications issued under Sections 4(1) and 6(1) of the Land Acquisition Act. He thus contends that the land of the petitioner is sought to be acquired without following the due process of law and hence, the impugned notifications are liable to be set at naught.

4. The writ petition is opposed by the respondent Nos.2 and 3 who contend that the name of the respondent No.4 was reflected in the revenue records as the owner of the land in Sy.No.106/2 of Adigondanahalli, measuring 2 acres. Out of the said 2 acres, the respondent Nos.2 and 3 had already purchased 1 acre from the respondent No.4 prior to the notification. At the time of acquisition of the land in question, the revenue records continued to reflect the name of the respondent No.4 to an extent of 1 acre. It is claimed that respondent Nos.2 and 3 became aware of the discrepancy in the revenue records only after the petitioner approached this Court by filing the present petition. It is claimed that the discrepancy was due to the mistake of the revenue department while maintaining the revenue records and the same was not



attributable to the respondent Nos.2 and 3. It is also contended that an award is passed and possession of the land in question is taken and a notification under Section 16(2) of the Land Acquisition Act is published on 31.12.2012 and hence, the acquisition has attained finality.

5. The learned counsel for the respondent Nos.2 and 3 invited the attention of the Court to the revenue records for the year 2006-07 and contends that the name of the petitioner was not mentioned in column No.9 of the RTC, but the name of the respondent No.4 was alone mentioned. He therefore contends that hence the name of the petitioner was not notified in the preliminary notification as well as the final notification. He also contends that the petitioner on coming to know of the award notice ought to have filed the writ petition within a reasonable time, but the petition is filed after nearly nine years from the date of issuance of the preliminary notification and therefore, the petition is highly belated and is liable to be rejected on this ground.

6. In reply, the learned Senior Counsel for the petitioner submitted that the land in question is still intact and



is in possession of the petitioner and the respondent Nos.2 and 3 have not taken any steps to form a layout.

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

8. The land in question is purchased by the petitioner in terms of a sale deed dated 10.12.2004 from the respondent No.4 herein. A copy of the sale deed placed on record establishes the said fact. It also appears that mutation proceedings were initiated in M.R.No.26/2004-05 to enter the name of the petitioner in the revenue records to an extent of 34 guntas and the name of the petitioner was entered in the revenue records for the year 2005-06 which was prior to the preliminary notification dated 19.09.2006. Therefore, the respondent No.1 while notifying the land in question ought to have indicated the name of the petitioner as the person interested in the acquisition. However, the acquisition was proceeded with by notifying the name of the respondent No.4 and an award was also passed in the name of the respondent No.4. There is nothing to show that the respondent Nos.2 and 3



had formed any layout in the land in question or allotted any sites therein. Therefore, it can safely be said that the acquisition is not in accordance with law and does not pass the muster under Article 300A of the Constitution of India. The respondent Nos.2 and 3 having admitted in their statement of objections that this was due to an inadvertent error caused due to a mistake of the revenue department cannot salvage the acquisition but the consequences are bound to follow. Therefore, the impugned notifications are liable to be set at nought reserving liberty to the respondents to take necessary action, if they are so advised.

9. In that view of the matter, the petition is ***allowed***. The impugned preliminary notification bearing No.KHB/LAO/136/2006-07 dated 19.09.2006 issued by respondent No.2 under Section 4(1) of the Land Acquisition Act, 1894 and the final notification bearing No.KOE:10:LAB:2008 dated 02.02.2008 issued by respondent No.1 under Section 6(1) of the Land Acquisition Act, 1894, as well as the award notice dated 02.05.2011 issued by respondent No.3, in respect of the land bearing Sy.No.106/2



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situate at Adigondanahalli, Attibele Hobli, Anekal Taluk, Bengaluru, measuring 34 guntas, are quashed. It is open for the respondent Nos.1 to 3 to take necessary steps to acquire the land afresh in accordance with law.

**Sd/-
(R. NATARAJ)
JUDGE**

PMR
List No.: 1 Sl No.: 67