

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH DAY OF SEPTEMBER, 2026

PRESENT

THE HON'BLE MRS. JUSTICE ANU SIVARAMAN

AND

THE HON'BLE MR. JUSTICE VENKATESH NAIK T

CONTEMPT PETITION NO. 304 OF 2023

C/W

WRIT APPEAL NO. 264 OF 2023 (BDA)

IN CCC No. 304/2023

BETWEEN:

SRI. MANJUNATH
S/O LATE VENKATARAMANAPPA
AGED ABOUT 60 YEARS
R/AT MUDDENAPALYA
VISHWANEEDAM POST,
BENGALURU NORTH TALUK
BENGALURU - 560091
(NOTE BENEFIT OF SENIOR CITIZENSHIP IS NOT
CLAIMED)

...COMPLAINANT

(BY SRI B.V.SHANKARANARAYANA RAO, SENIOR COUNSEL A/W
SRI. SUPRITH K.N., ADV.)

AND:

SRI KUMAR NAIK
THE COMMISSIONER
THE BANGALORE DEVELOPMENT AUTHORITY
T. CHOWDAIAH ROAD
KUMARA PARK EAST

Digitally
signed by
PAVITHRA
N
Location
High Court
of
Karnataka



BENGALURU - 560020.

...ACCUSED

(BY SRI. VACHAN B., ADV.)

THIS CCC IS FILED UNDER SECTIONS 11 AND 12 OF THE CONTEMPT OF COURTS ACT, 1971, PRAYING TO SECURE THE ACCUSED HEREIN, INITIATE CONTEMPT PROCEEDINGS FOR NON-COMPLIANCE ORDER PASSED BY THE LEARNED SINGLE JUDGE IN W.P.NO.12467/2020 DATED 08.07.2022, VIDE ANNEXURE-A, AND PUNISH THE ACCUSED IN ACCORDANCE WITH THE CONTEMPT OF COURTS ACT.

IN WA NO. 264/2023

BETWEEN:

1. THE COMMISSIONER
BANGALORE DEVELOPMENT AUTHORITY
T. CHOWDAIAH ROAD
BANGALORE-560 020.
2. THE EXECUTIVE ENGINEER (WEST)
BANGALORE DEVELOPMENT AUTHORITY
T. CHOWDAIAH ROAD
BANGALORE-560 020.

...APPELLANTS

(BY SRI. B. VACHAN, ADVOCATE)

AND:

1. SRI. MANJUNATH
S/O. VENKATARAMANAPPA

AGED ABOUT 58 YEARS
R/AT MUDDENAPALYA
VISWANEEDAM POST
BANGALORE-560 091

2. SRI. MUNI ANJANAPPA
S/O. LATE LINGAIAH
AGED ABOUT 67 YEARS
R/AT MUDDENAPALYA
VISWANEEDAM POST
BANGALORE-560 091

...RESPONDENTS

(BY SRI. B.V.SHANKARANARAYANA RAO, SR. COUNSEL A/W
SRI. SUPRITH K.N., ADV. FOR R1 & R2)

THIS WRIT APPEAL IS FILED U/S 4 OF THE KARNATAKA
HIGH COURT ACT, 1961, PRAYING TO ALLOW THE WRIT APPEAL
BY SETTING ASIDE THE ORDER DATED 08.07.2022 PASSED IN
WP No.12467/2020 PASSED BY THE LEARNED SINGLE JUDGE IN
SO FAR AS IT RELATES TO THE DIRECTION THAT THE MARKET
VALUE OF THE SUBJECT LAND FOR DETERMINATION OF
COMPENSATION SHALL BE AS OF 21.12.2017.

THESE CCC AND WRIT APPEAL HAVING BEEN HEARD AND
RESERVED FOR JUDGMENT ON 07.08.2026 AND COMING ON FOR
PRONOUNCEMENT OF JUDGMENT THIS DAY, **ANU SIVARAMAN**
J., PRONOUNCED THE FOLLOWING:

CORAM: HON'BLE MRS. JUSTICE ANU SIVARAMAN
and
HON'BLE MR. JUSTICE VENKATESH NAIK T

CAV JUDGMENT**(PER: HON'BLE MRS. JUSTICE ANU SIVARAMAN)**

This writ appeal is filed challenging the order dated 08.07.2022 passed by the learned Single Judge in Writ Petition No.12467/2020 (BDA). The Contempt of Court case is filed by the writ petitioner alleging wilful disobedience of the said order.

2. We have heard Shri. B. Vachan, learned counsel appearing for the appellants in the writ appeal and for the accused in the Contempt of Court case; and Shri. B.V. Shankaranarayana Rao, learned senior counsel as instructed by Shri. Suprith K.N, learned counsel appearing for respondents No.1 and 2 in the writ appeal and for the complainant in the Contempt of Court case.

3. The land belonging to the respondents bearing Survey No.29 of Gidadakonenahalli Village, Yeshwanthapura Hobli, Bengaluru North Taluk was included in the Preliminary Notification dated 08.04.2003 and the Final Notification dated 09.09.2003 issued for the formation of the further extension of Sir M. Visvesvaraya Layout. However, no award

was passed in respect thereof. The respondents challenged the acquisition proceedings in Writ Petitions No.4455-4456/2015. By order dated 05.02.2016, the learned Single Judge allowed the writ petition and it was held that the scheme had lapsed under Section 27 of the Bangalore Development Authority Act, 1976 ('BDA Act' for short) as it had not been implemented within five years from the date of Final Notification. The said order was challenged by the BDA in Writ Appeals No.4403-4404/2016.

4. The BDA passed Resolution No.231/2017 dated 21.12.2017, resolving to allot 50% of the developed lands to the respondents, having regard to the fact that their land had already been utilised for the formation of the layout. Pursuant thereto, certain developed sites were allotted and conveyed to the respondents under registered sale deeds dated 27.02.2019 and 29.06.2019. Seeking implementation of the Board Resolution dated 21.12.2017, the respondents filed Writ Petitions No.44110-44111/2018, which were disposed of on 04.09.2019, granting them liberty to submit a fresh representation. They thereafter filed Writ Petition

No.12467/2020 seeking implementation of the said Resolution and allotment of the remaining developed sites. During the pendency of the said writ petition, Writ Appeals No.4403-4404/2016 were allowed by judgment dated 21.06.2021 and the order dated 05.02.2016 declaring that the scheme had lapsed was set aside. Consequently, the acquisition proceedings stood restored.

5. In Writ Petition No.12467/2020, the learned Single Judge considered whether the respondents were entitled to allotment and conveyance of the remaining sites pursuant to the Board Resolution dated 21.12.2017 or, alternatively, to determination and deposit of just compensation. It was noticed that the respondents' ownership of the subject land and its utilisation by the BDA were undisputed. Though the acquisition had initially been declared to have lapsed in Writ Petitions No.4455-4456/2015, the said order was set aside in Writ Appeal No.4403-4404/2016 on 21.06.2021, thereby restoring the acquisition. The judgment of the Division Bench, not having

been challenged by the respondents, was binding on the parties.

6. The learned Single Judge held that the Board Resolution dated 21.12.2017, resolving to allot 50% of the developed land to the respondents, had been passed when the order declaring the acquisition to have lapsed was operative and on the premise that the subject land had been utilised without acquisition. Once the acquisition proceedings were restored, the foundation of the resolution ceased to exist. The respondents could not, therefore, invoke fairness or promissory estoppel to claim the remaining sites, particularly when no surviving right under the resolution had been recognised in the judgment restoring the acquisition proceedings. It was further held that the allotment of certain sites during the pendency of the appeals did not confer upon the respondents a right to further allotment outside the governing statutory rules. The Correct Dimension Certificates and other internal BDA documents could not override the legal consequences of the restored acquisition.

The respondents were, therefore, held entitled only to compensation and not to the remaining sites.

7. However, having regard to the recognition of the respondents' title under the Tahsildar's order dated 30.09.2014, the Board Resolution dated 21.12.2017 and the allotment of certain sites during the pendency of the writ appeals, the learned Single Judge directed the expeditious determination of compensation. Since the respondents' claim for compensation had been considered under the Resolution dated 21.12.2017, the market value was directed to be determined as on that date, after deducting the value of the sites already allotted, and the balance compensation was directed to be deposited in accordance with Section 36 of the BDA Act within the stipulated period.

8. The learned counsel appearing for the appellants contends that the learned Single Judge erred in directing the market value of the subject land to be determined as on 21.12.2017 instead of 08.04.2003, the date of the Preliminary Notification. Once the acquisition proceedings were restored by the judgment dated 21.06.2021 in Writ

Appeals No.4403–4404/2016, the statutory consequences necessarily followed and compensation had to be determined under the Land Acquisition Act, 1894 ('1894 Act' for short), with reference to the market value prevailing on the date of the Preliminary Notification. The date prescribed by the statute could not be substituted in exercise of jurisdiction under Article 226 of the Constitution of India, as no writ could be issued directing a statutory authority to act contrary to law.

9. It is submitted that the determination of compensation falls within the statutory framework of the 1894 Act and that the learned Single Judge exceeded the permissible limits of judicial review by prescribing the relevant date for valuation. If dissatisfied with the compensation awarded, the respondents were required to seek a reference before the competent Court under Part III of the 1894 Act and could not bypass the statutory procedure through a writ petition. It is further contended that the Board Resolution dated 21.12.2017 was passed when the order quashing the acquisition was operative. Its

very foundation ceased to exist upon restoration of the acquisition and it could thereafter confer neither a right to further allotment of developed sites nor a right to have compensation determined with reference to its date. The principles of fairness and promissory estoppel could not be invoked contrary to the restored acquisition proceedings and the statutory scheme.

10. It is further contended that the learned Single Judge held that the Board Resolution and the Correct Dimension Certificates, being internal documents of the BDA, could not override the statutory rules governing allotment. Having so held, the learned Single Judge could not have relied upon the same resolution to fix 21.12.2017 as the date for determining the market value. It is also submitted that the delay in passing the award was attributable to the respondents' names not having been entered in the revenue records until the Tahsildar's order dated 30.09.2014 and that such delay could not justify a departure from the statutory date of valuation.

11. It is also contended that the substantial increase in the value of the land between 08.04.2003 and 21.12.2017 resulted largely from the developmental works undertaken by the BDA. Determining compensation as on 21.12.2017 would permit the respondents to benefit from the value generated by such development and impose an unwarranted financial burden on the BDA, particularly when the respondents had already received substantial compensation in the form of developed sites.

12. The learned senior counsel appearing for the respondents, on the other hand, submits that the respondents' land was taken over and utilised by the BDA without passing an award or paying compensation, thereby depriving them of their property in violation of Article 300-A of the Constitution of India. Pursuant to the resolution, the BDA quantified the entitlement of respondents No.1 and 2 at 19,057 sq. ft. and 23,413 sq. ft, respectively, and identified, demarcated and approved specific sites for allotment after processing the matter through its legal department. It is further contended that despite the representations dated

26.09.2019 and 02.03.2020 and the identification of alternative sites, no action was taken and the identified sites were allegedly sought to be allotted to third parties. The BDA cannot retain and utilise the respondents' land while denying them both compensation and the developed sites assured under the Resolution, particularly when similarly situated landowners had been allotted 100% of the developed land.

13. It is further submitted that the subsequent restoration of the acquisition proceedings did not extinguish the rights accrued under the Resolution. Having quantified the respondents' entitlement and identified and approved specific sites, the BDA cannot resile from its concluded decision or take a contrary stand to the detriment of the respondents. The conduct of the BDA is stated to attract the principles of promissory estoppel, legitimate expectation and fairness in administrative action. The respondents' valuable property rights cannot be defeated by mechanically determining compensation with reference to the date of the Preliminary Notification while ignoring the subsequent

developments, the Resolution dated 21.12.2017 and the rights accrued thereunder.

14. Having considered the contentions advanced, we notice that the Preliminary Notification dated 08.04.2003 and Final Notification dated 09.09.2003 were issued for the formation of a further extension to Shri. M. Visvesvaraya Layout. The proceedings were challenged under writ Petitions No.4455-4456/2015. The writ petitions were allowed and it was held that the Scheme had lapsed under Section 27 of the BDA Act. But, the BDA had taken up the matter in an appeal in by judgment dated 21.06.2021 in Writ Appeals No.4403-4404/2016, the appeal was allowed and the judgment of the learned Single Judge was set aside. It was during the period when the Notifications under the BDA Act stood set aside that the Resolution dated 21.12.2017 was passed resolving to allot 50% of the developed sites to the respondents. Some developed sites were as a matter of fact allotted to the land losers as well. However, by the judgment dated 21.06.2021 under Writ Appeals No.4403-4404/2016 the Notifications stood

restored. Therefore, the entitlement of the land losers would only be to compensation in terms of the BDA Act.

15. We notice that the finding of the learned Single Judge that the market value of the property has to be determined as on 21.12.2017 is not supported by a sustainable reason. The Board Resolution dated 21.12.2017 is one issued at a time when the acquisition stood set aside by virtue of the order of the learned Single Judge dated 05.02.2016. Since the grant of 50% of developed sites is not in conformity with the usual practice of grant of compensation for acquired lands. The said Resolution was obviously only an extra legal arrangement made due to the quashing of the acquisition which had already taken effect. However, with the reversing of the judgment dated 05.02.2016, the acquisition stood restored and the entitlement of the appellants would therefore be only to just compensation in accordance with law.

16. The finding of the learned Single Judge that the compensation has to be fixed taking note of the market

value of the property as on 21.12.2017 cannot be sustained in view of the fact that the land losers had already been granted part of the compensation as sites.

17. In the above circumstances, we are of the opinion that the appeal is liable to succeed.

18. In the result:-

- (i) The appeal is ***allowed-in-part***.
- (ii) The finding of the learned Single Judge that the compensation due to the land losers has to be fixed taking note of the market value of the acquired property as on 21.12.2017 is vacated.
- (iii) The land losers are held entitled to just compensation in accordance with law.
- (iv) The appellants shall pass fresh award in respect of the compensation to be awarded to the land losers taking note of the compensation already awarded as sites as well.

- (v) Appropriate steps shall be taken within three months from the date of receipt of a copy of this judgment.
- (vi) The Contempt of Court case is accordingly ***closed*** with liberty to file afresh, in case, the directions are not complied with.

All questions on compensation are left open to be decided in appropriate proceedings.

All pending interlocutory applications shall stand disposed of.

**Sd/-
(ANU SIVARAMAN)
JUDGE**

**Sd/-
(VENKATESH NAIK T)
JUDGE**

cp*/PN