



CNR: KAHC010088852016

NC: 2026:KHC:40604
WP No. 39699 of 2016
C/W WP No. 41021 of 2016

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 3RD DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE R. NATARAJ

WRIT PETITION NO.39699 OF 2016 C/W

WRIT PETITION NO.41021 OF 2016 (LA-BDA)

IN WP No.39699/2016

BETWEEN:

1. SMT. LAKSHMAMMA,
W/O LATE HUCHHAPPA,
AGED ABOUT 50 YEARS,
R/AT BETTANA PALYA,
BHEEMANA KUPPE DAKHALE,
KENGARI HOBLI,
BANGALORE SOUTH TALUK.
2. SRI. JAVARAPPA,
S/O LATE THIMMAIAH,
AGED ABOUT 45 YEARS,
R/AT BETTANA PALYA,
BHEEMANA KUPPE DAKHALE,
KENGARI HOBLI,
BANGALORE SOUTH TALUK.
3. SRI. BETTAPPA,
S/O LATE THIMMAIAH,
AGED ABOUT 42 YEARS,
R/AT BETTANA PALYA,
BHEEMANA KUPPE DAKHALE,
KENGARI HOBLI,
BANGALORE SOUTH TALUK.

...PETITIONERS

(BY SMT.ANJANA A.V., ADVOCATE FOR
SRI. PRAMODA K., ADVOCATE)

Digitally
signed by
HEMALATHA J
Location:
HIGH COURT
OF
KARNATAKA



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AND:

1. STATE OF KARNATAKA,
URBAN DEVELOPMENT DEPARTMENT,
VIKASA SOUDHA,
BANGALORE - 560 001.
REPRESENTED BY ITS
PRINCIPAL SECRETARY.
2. THE COMMISSIONER,
BANGALORE DEVELOPMENT AUTHORITY,
T.CHOWDAIAH ROAD,
KUMARA PARK WEST,
BANGALORE - 560 020.
3. THE SPECIAL LAND ACQUISITION OFFICER,
THE BANGALORE DEVELOPMENT AUTHORITY,
T.CHOWDAIAH ROAD,
KUMARA PARK WEST,
BANGALORE - 560 020.

...RESPONDENTS

(BY SMT.POOJA M.KOORSE, HCGP FOR R1;
SRI.GOWTHAMDEV C.ULLAL, ADVOCATE FOR R2 AND R3)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE PRELIMINARY NOTIFICATION NO.BDA/COMMR/DC(LA)/ALAO/158/2008-2009 DATED 21.5.2008 SO FAR AS SL.NO.996 IN RESPECT OF LAND BEARING SY.NO.228/2 VIDE ANNEX-G ISSUED BY R2 SO FAR AS THE PETITIONERS ARE CONCERNED AND THAT OF THE FINAL NOTIFICATION No.UDD 51 MNX 2010 DATED 18.2.2010 SO FAR AS SL.NO.923 IN RESPECT OF LAND BEARING SY.NO.228/2 VIDE ANNEX-H ISSUED BY THE R-1 AND ETC.,



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IN WP NO.41021/2016

BETWEEN:

1. SRI. HUCHHAPPA,
S/O LATE CHIKKANNA,
AGED ABOUT 65 YEARS,
R/AT BHEEMANA KUPPE VILLAGE,
KENGARI HOBLI,
BANGALORE SOUTH TALUK.
2. SRI. T. NAGARAJA,
S/O THIMMAIAH,
AGED ABOUT 45 YEARS,
R/AT NO.13, BHEEMANA KUPPE VILLAGE,
KENGARI HOBLI,
BANGALORE SOUTH TALUK.
3. SMT. LALITHA,
D/O THIMMAIAH,
W/O KEMPANNA,
AGED ABOUT 40 YEARS,
R/AT NO.13/1,
BHEEMANA KUPPE VILLAGE,
KENGARI HOBLI,
BANGALORE SOUTH TALUK.
4. SRI. ADAPPA,
S/O LATE CHIKKANNA,
AGED ABOUT 60 YEARS,
R/AT NO.9, BHEEMANA KUPPE VILLAGE,
KENGARI HOBLI,
BANGALORE SOUTH TALUK.

...PETITIONERS

(BY SMT.ANJANA A.V., ADVOCATE FOR
SRI. PRAMOD K., ADVOCATE)



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AND:

1. STATE OF KARNATAKA,
URBAN DEVELOPMENT DEPARTMENT,
VIKASA SOUDHA,
BANGALORE - 560 001.
REPRESENTED BY ITS
PRINCIPAL SECRETARY.
2. THE COMMISSIONER,
BANGALORE DEVELOPMENT AUTHORITY,
T.CHOWDAIAH ROAD,
KUMARA PARK WEST,
BANGALORE - 560 020.
3. THE SPECIAL LAND ACQUISITION OFFICER,
THE BANGALORE DEVELOPMENT AUTHORITY,
T.CHOWDAIAH ROAD,
KUMARA PARK WEST,
BANGALORE - 560 020.

...RESPONDENTS

(BY SMT.POOJA M.KOORSE, HCGP FOR R1;
SRI. GOWTHAMDEV C.ULLAL, ADVOCATE FOR R2 AND
R3)

THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH TO THE PRELIMINARY NOTIFICATION NO.BDA/COMMR/DC(LA)/ALAO/158/2008-2009 DATED 21.5.2008 SO FAR AS SL NO.624 IN RESPECT OF LAND BEARING SY NO.1/3 OF BHEEMANAKUPPE VILLAGE, PRODUCED AT ANNEXURE-D SO FAR AS THE PETITIONERS ARE CONCERNED AND THAT OF THE FINAL NOTIFICATION No.UDD 51 MNX 2010 DATED 18.2.2010 SO FAR AS SL NO.574 IN RESPECT OF LAND BEARING SY NO.1/3 OF BHEEMANAKUPPE VILLAGE, VIDE ANNEXURE - G TO THE WP ISSUED BY THE R-1 AND ETC.,

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



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CORAM: HON'BLE MR. JUSTICE R. NATARAJ

ORAL ORDER

W.P.Nos.39699-39701/2016 is filed challenging the Preliminary Notification bearing No.BDA/COMMR/DC(LA)/ALAO/158/2008-2009 dated 21.05.2018 and the Final Notification bearing No.UDD 51 MNX 2010 dated 18.02.2010 insofar as it relates to Survey No.228/2 of Bheemanakuppe Village. The petitioners have also sought for a writ in the nature of certiorari to declare that the acquisition for formation of "Nada Prabhu Kempe Gowda Layout" is bad in law and has lapsed under Section 27 of Bangalore Development Act, 1976 (hereinafter referred to as "the BDA Act" for short) and under Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as "the Act, 2013" for short).

2. W.P.No.41021-41024/2016 is filed in respect of land in Survey No.1/3 of Bheemanakuppe Village, Kengeri-2 Hobli, Bangalore South Taluk, challenging the



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Preliminary Notification bearing No.BDA/COMMR/DC(LA)/ALAO/158/2008-2009 dated 21.05.2018 and the Final Notification bearing No.UDD 51 MNX 2010 dated 18.02.2010 insofar as it relates to Survey No.1/3 of Bheemanakuppe Village. The petitioners have also sought for a writ in the nature of certiorari to declare that the acquisition for formation of "Nada Prabhu Kempe Gowda Layout" is bad in law and has lapsed under Section 27 of the BDA Act and under Section 24(2) of the Act, 2013.

3. The petitioners in W.P.Nos.39699-39701/2016 contend that they are the owners of land in Survey No.228/2 of Bheemanakuppe Village. They contend that they have constructed six houses on the aforesaid land and are residing thereon and the said houses are assessed to tax by the Panchayat Development Officer, Ramohally Grama Panchayath. They contend that the houses are provided with all civic amenities. They claim that respondent No.2 had issued a Preliminary Notification proposing to acquire the land in Bheemanakuppe Village



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including the land in Survey No.228/2 for formation of Nada Prabhu Kempe Gowda Layout. A Final Notification was also issued in respect of the aforesaid land on 18.02.2010. The petitioners claim that they are in physical possession and enjoyment of the land and the respondents have not taken any steps to take over the possession. Therefore, they contend that respondent No.2 has not implemented the Scheme within 5 years as prescribed under Section 27 of the BDA Act and the acquisition has lapsed also under Section 24(2) of the Act, 2013. They also contend that a Co-ordinate Bench of this Court in W.P.No.32186/2010 had quashed the acquisition proceedings. Therefore, the petitioners are also entitled for similar benefit.

4. In W.P.Nos.41021-41024/2016, the petitioners claim to be the owners of land in Survey No.1/3 of Bheemanakuppe Village measuring 1 acre 7 guntas. The petitioners claim that a Preliminary Notification was issued by respondent No.2 on 21.05.2008 proposing to acquire



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the land in Bheemanakuppe Village including the land in Survey No.1/3 for formation of Nada Prabhu Kempe Gowda Layout and a Final Notification was also issued on 18.02.2010. The petitioners contend that out of 1 acre 24 guntas in Survey No.1/3, respondent No.2 has de-notified 10 guntas of land from acquisition and 7 guntas belonging to other kathedars and what is sought to be acquired in Survey No.1/3 is 1 acre 7 guntas belonging to the petitioners.

5. It is contended that no award is passed and possession of the property is also not taken as the petitioners are residing in the said land and they have constructed about 10 houses. The petitioners claim that the Co-ordinate Bench of this Court in W.P.No.32186/2010 had held that the entire acquisition proceedings for the formation of Nada Prabhu Kempe Gowda Layout are bad in law and quashed the Notifications and therefore, the petitioners are entitled for the similar benefits.



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6. They contend that when the award is not passed and possession is not taken over, the acquisition is lapsed under Section 24(2) of the Act, 2013 and as respondent No.2 has not implemented the Scheme within 5 years, the Scheme has lapsed under Section 27 of the BDA Act.

7. The learned counsel for the petitioners reiterated the above submissions and submitted that the acquisition has lapsed. Since, respondent No.2 has not implemented the Scheme within 5 years and also no compensation is paid and possession is not taken, the acquisition has lapsed under Section 24(2) of the Act, 2013.

8. Per contra, the learned counsel for respondent No.2 submitted that the acquisition for formation of Nada Prabhu Kempe Gowda Layout was upheld by the Division Bench of this Court in W.A.No.1783/2014 and connected appeals and in order to redress the grievances of the



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landowners who complained of discrimination in the process of acquisition, the Division Bench has granted liberty to such land losers to file appropriate representations bringing to the notice of respondent No.2, the discrimination meted out to them and respondent No.2 was directed to consider the same and pass appropriate orders.

9. Likewise, in respect of site owners, the Division Manager had given some reliefs and therefore, these writ petitions, which challenge the acquisitions, does not survive. He, however, submits that the reliefs granted to the land losers in W.A.No.1783/2014 and connected appeals may also be extended to these petitioners. It is undisputed that the Division Bench of this Court had upheld the acquisition for formation of Nada Prabhu Kempe Gowda Layout and had also granted reliefs to the landlosers complaining of discrimination. Therefore, the petitioners deserve to be treated similarly.



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10. Accordingly, this Court passes the following

ORDER

- i. These writ petitions are ***allowed in part.***
- ii. The Preliminary Notification dated 21.05.2008 and Final Notification dated 18.02.2010 challenged by the petitioners are upheld.
- iii. However, in view of the judgment of the Division Bench of this Court in W.A.No.1783/2014, these writ petitions stands disposed of on similar lines as in W.A.No.1783/2014.
- iv. It is open for the petitioners to take advantage by filing appropriate representations before respondent No.2 who shall consider the same as directed by the Division Bench of this Court in W.A.No.1783/2014.
- v. To enable expeditious consideration, the petitioners shall file their representations before respondent No.2 within one month from the date of receipt of



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copy of the order and respondent No.2 shall consider the same within a period of 3 months thereafter.

- vi. Until then, respondent No.2 shall not take any precipitative action against the properties of the petitioners in any manner whatsoever.

Sd/-
(R. NATARAJ)
JUDGE

PB
List No.: 1 Sl No.: 4