



CNR: KAHC010166832026

NC: 2026:KHC:49757
RP No. 112 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 11TH DAY OF SEPTEMBER, 2026

BEFORE

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

REVIEW PETITION NO.112 OF 2026

BETWEEN:

1. UNION OF INDIA
REPRESENTED BY SECRETARY,
MINISTRY OF DEFENCE
NORTH BLOCK,
NEW DELHI-11001.
2. DIRECTOR,
DEFENCE RESEARCH AND
DEVELOPMENT ORGANIZATION,
C.V. RAMANNAGAR,
BENGALURU-560 093.

...PETITIONERS

(BY SRI. KUMAR M N, ADVOCATE)

AND:

1. SRI K.C.RAMESH,
SON OF LATE K.V.CHINNAYANNA,
AGED ABOUT 53 YEARS,
RESIDING AT NO.81,
ANANTHANAIK ROAD,
MURPHY TOWN, ULSOOR,
BENGALURU-560 008.
2. DEPUTY DIRECTOR OF LAND RECORDS,
LAND SURVEY DEPARTMENT,
K.R.CIRCLE,
BENGALURU-560 001.
3. THE SPECIAL LAND ACQUISITION OFFICER,
3RD FLOOR, VISHVESWARAIAH TOWER,
AMBEDKAR ROAD,
BENGALURU-560 001.

Digitally
signed by
VANDANA S
Location:
High Court
of
Karnataka



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4. THE SECRETARY
DEPARTMENT OF REVENUE
GOVERNMENT OF KARNATAKA
BENGALURU-560 001.

...RESPONDENTS

(BY SRI. ANAND BEERANNAVAR AND
SRI. MANJUNATH S., ADVOCATES FOR R-1;
SRI. KESHAV MURTHY H.B, AGA FOR R-2 TO R-4)

THIS REVIEW PETITION IS FILED UNDER SECTION 114 R/W ORDER 47 RULE 1 OF CPC, 1908, PRAYING TO REVIEW THE ORDER DATED 22.06.2021 PASSED IN W.P.NO.52713/2017(LA RES) AND PASS ANY OTHER ORDER IN THE FACTS AND CIRCUMSTANCES OF THE CASE, AS DEEMED FIT BY THIS HON'BLE COURT IN THE INTEREST OF JUSTICE AND EQUITY.

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 respondent Nos.4 and 5 in W.P.No.52713/2017 takes exception to the final order dated 22.06.2021 passed by this Court, whereby the said petition filed by respondent No.1 (review petitioner) was disposed of by this Court by holding as under:

"In this petition, petitioner has sought for the following reliefs:

"i) Issue a Writ of Mandamus, directing the 1st respondent to survey and prepare the survey report and sketch as per the direction issued by this Hon'ble Court in



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W.P.No.25704/2009 dated 28/3/2012 as per Annex-A showing the entire six acres of land in survey no.112 belonging to petitioner which is located within the land acquired by the 2nd respondent.

ii) Issue a writ of Mandamus directing the respondent to acquire the petitioners land measuring 6 acres in Jyotipura Village, Bidarahalli Hobli, Hoskote Taluk, and pass the award as per the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013,

iii) Issue such other writ, order or direction as this Hon'ble court deems fit under the facts and circumstances of the case with cost of this Writ petition, to meet the ends of justice."

2. Heard learned counsel for the petitioner, learned AGA for respondent Nos.1 and 2 and learned counsel for respondent Nos.3 and 4 and also perused the material on record.

3. In addition to reiterating the various contentions put forth in the petition and referring to the documents produced by the petitioner, learned counsel for the petitioner invites my attention to the earlier order passed by this Court in W.P.No.25704/2009 dated 28.03.2012 filed by the petitioner in order to point out that despite this Court specifically directing the said Survey Department to personally conduct survey of the area and find out whether the property to an extent of six acres belonging to the petitioner had been utilized by the respondents or not, the impugned Survey Report at Annexure-C dated 06.11.2015 accompanied by Survey Sketch at Annexure – D clearly



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indicate that the respondents have identified only 1.25 acres of land belonging to the petitioner and have not identified remaining 4.15 acres of land as directed by this Court out of the total extent of six acres.

4. *It is also submitted that the aforesaid order passed by this Court in W.P.No.25704/2009 was confirmed by the Hon'ble Division Bench in W.A.No.6503/2013 dated 17.03.2015. It is therefore contended that apart from the fact that the petitioner would be entitled to compensation in accordance with law in respect of 1.25 acres undisputedly taken from him and utilised by the respondents without following due process of law / acquisition proceedings, it is necessary that directions should be issued to the respondents to conduct survey for the purpose of identifying the remaining 4.15 acres of land also and the petitioner is paid compensation for this extent also. In support of his contention, learned counsel for the petitioner placed reliance on the following decisions:-*

**(i) P.G.Belliappa vs. BDA – (2020) 1 Kar.L.J.
504 (ii) Gowramma vs. State of Karnataka - W.P.
No.518/2020 (D.D.05.05.2021)**

5. *Per contra, learned AGA for respondent Nos.1 and 2 and learned counsel for respondent Nos.3 and 4, in addition to reiterating the various contentions put forth in the statement of objection submit that there is no merit in the petition and that the same is liable to be dismissed.*

6. *As rightly contented by the learned counsel for the petitioner, in the earlier round of litigation in*



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W.P.No.25704/2009 dated 28.03.2012, this Court held as under:

"Petitioner has sought for a direction to the first respondent to pass award as per law in respect of the acquired land bearing Sy.No.112 measuring 6 acres, situated at Jyothipura Village, Bidrahalli Hobli, Bangalore South Taluk.

2. Case of the petitioner is that his father viz., Chinnayanna was granted a land to an extent of 6 acres in Sy.No.112, situated in Jyothipura Village, Bidrahalli Hobli under Military Concession Rules as per Annexure-A, on 2.3.1960. The grant certificate was issued in his favour as per Annexure-B by the Tahsildar, Hoskote Taluk on 11.11.1980 in respect of the granted land. The document at Annexure-C reveals that 6 acres in Sy.No.112 has been leased in favour of the petitioner's father Chinnayanna under Grow More Food Scheme. Pursuant to such grant, the petitioner seems to have paid upset price and his name is entered in the revenue records. From the above, it is clear that 6 acres of land in Sy.No.112, Jyothipura Village, belongs to the petitioner.

Various properties, including the entire Sy.No.112 came to be acquired for the purpose of Research and Development Organisation, Bangalore (respondent No.4 herein) under acquisition notifications at Annexures-P and Q, dated 11.6.1992 and 17.8.1993 respectively. Though the name of the petitioner was found in the preliminary notification as the owner of 6 acres in Sy.No.112 (at Sl.No.30), his name is not found in the final notification. The preliminary notification however reveals that K.Muniyappa and others are in possession of the property



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to an extent of 6 acres of Sy.No.112 though the owner thereof is the petitioner's father. However, in the final notification, the name of the petitioner is not found. After the demise of the petitioner's father, the petitioner being the son, has succeeded to the interest over the land in question. The grievance of the petitioner is that though the property in question is not acquired by the respondents under final notification dated 17.8.1993 at Annexure-Q, the possession of the land is arbitrarily taken by the respondents and the entire property is encircled by putting up a compound wall. Thus, according to the petitioner, he has neither possession of the land nor the compensation. Hence, this writ petition is filed.

3. Writ petition is opposed by respondents 1 and 2 by filing statement of objections. The affidavits of the Land Acquisition Officer, dated 9.11.2011 and 24.11.2011 are filed before this Court by the learned Government Advocate. According to the learned Government Advocate, the property owned by the petitioner was not acquired and therefore there is no question of paying compensation. He further submits that the property in question is also not taken possession of by the respondents.

4. It is not in dispute that Sy.No.112 totally measures about 140 acres. The entire 140 acres in Sy.No.112 was sought to be acquired under preliminary notification at Annexure-P, dated 11.6.1992. However, the final notification came to be issued as per Annexure-Q, dated 17.8.1993 to an extent of 100 acres only, which means that the respondents have not acquired 40 acres out of the



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total extent of 140 acres in Sy.No.112. The question still remains to be decided is as to whether the petitioner's 6 acres of land in Sy.No.112 falls within the acquired portion or not. The Land Acquisition Officer in his affidavit dated 9.11.2011, at paragraph-4, has stated as under:-

"4. I further submit that a joint measurement was prepared. At that point of time, the petitioner was not in possession and enjoyment of the property of the land and his name was not published in 6(1) notification, which was notified on 2.9.1993."

However, in his affidavit dated 24.11.2011 he has submitted thus:-

"2. I state that this Hon'ble Court vide its order dated 10.11.2011 had directed me to file a better affidavit incorporating specific information, in compliance of the said order, I swear this affidavit. I further state that the subject property bearing Sy.No.112, measuring 6 acres situated in the limits of Jyothipura Village, Bidarahalli Hobli, Bangalore South Taluk was notified under Section 4(1) of the Land Acquisition Act on 2.7.1992. However, the subject property was not included in the 6(1) notification issued on 2.9.1993. therefore, the possession of the subject property has not been taken over by the State Government and it is not included in the 16(2) Notification issued on 27.10.1994. the copy of the 4(1) and 6(1) and also 16(2)



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Notification all produced and marked as Annexures-R1, 2 and 3."

From the above, it is clear that jurisdictional Land Acquisition Officer was not sure as to whether the land was acquired or not at the time of filing the affidavit dated 9.11.2011 before this Court. He has merely stated in the said affidavit that since the petitioner was not in possession and enjoyment of the property of the land, his name is not published in the notification dated 2.9.1993. However, he has improved his version in the affidavit dated 24.11.2011 by submitting that the subject matter is not included in the final notification dated 27.10.1994 and therefore the possession of the property in question is not taken over by the State Government and consequently, it is not included in the notification dated 16(2) of the Land Acquisition Act, dated 27.10.1994.

From the above, this Court finds that there are contradictory versions of the very Land Acquisition Officer. There was no reason for the Land Acquisition Officer not to disclose that the property was not acquired, in the affidavit filed by him on 9.11.2011.

Be that as it may, to put an end to this controversy, this Court proposes to direct that a Senior Officer of the Land Records to personally survey the area to find out as to whether petitioner's property to an extent of 6 acres was utilised by the respondents or not. It is needless to observe that if the petitioner's property is also utilised by the respondents, irrespective of the fact that the land was not included in the final notification, the petitioner is entitled to compensation. If the property of the petitioner is not utilised by the respondents, then the petitioner is not



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entitled to compensation. Accordingly, the following order is made:-

The jurisdictional Deputy Director of Land Records shall personally survey the area with the assistance of his Assistants and find out as to whether the property to an extent of 6 acres belonging to the petitioner has been utilised by the respondents or not. Such survey shall be conducted in the presence of the jurisdictional Assistant Commissioner, the Tahasildar and the petitioner as well as the Officers of the respondents deputed by them.

It is made clear that in case if the petitioner's property is also utilised by the respondents, though the property is not found in the final notification, the petitioner is entitled to compensation as per law. In case if the petitioner's property is not utilized by the respondents, then the petitioner is not entitled to any compensation. The survey shall be conducted within three months, with due notice to the parties concerned.

With these observations, the writ petition stands disposed of."

7. It is not in dispute that the said order passed by this Court was challenged in W.A.No.6503/2013, which was dismissed on 17.03.2015, thereby confirming the order of the learned Single Judge.

8. A perusal of the aforesaid order passed by this Court will clearly indicate that this Court has recorded a categorical finding of fact that the subject land measuring 6 acres in Sy.No.112 situated at Jyothipura Village, Bidrahalli Hobli, Bengaluru South Taluk, belongs to the petitioner. For



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the purpose of ascertaining and confirming, whether the respondents had taken possession and utilised the entire extent of 6 acres of land belonging to the petitioner or not, this Court issued specific directions to the Survey Department to conduct survey to find out whether the extent of 6 acres of land belonging to the petitioner had been utilized by the respondents or not.

9. *A perusal of the Survey Report dated 06.11.2015 and the accompanying Survey Sketch will indicate that despite aforesaid specific directions issued by this Court directing to conduct survey in respect of the entire 6 acres, the survey authorities have identified only 1.25 acres out of the total extent of six acres.*

10. *Under these circumstances, it is clear that the impugned Survey Report dated 06.11.2015 and the Commissioner Survey Sketch are erroneous and illegal being contrary to the directions issued by this Court in W.P.No.25704/2009 referred to supra. It is also relevant to state that even as per the said Survey Report and Sketch, 1.25 acres of land had been utilized by the respondents out of the total extent of six acres belonging to the petitioner.*

11. *The material on record clearly indicates that in view of the undisputed fact that 1.25 acres of land belonging to the petitioner had been utilised and taken possession of by the respondents without following due process of law or acquisition proceedings, the petitioner would be entitled to compensation in this regard as held in the aforesaid decisions; in this regard, since the date on which the respondents took possession of the said 1.25 acres of land*



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from the petitioner is not clear or ascertainable, it would meet the ends of justice to direct the respondents to pay compensation in favour of the petitioner in terms of the aforesaid decisions from 28.03.2012 onwards on which day, the learned Single Judge disposed of the aforesaid W.P.No.25704/2009 upholding the claim of the petitioner.

12. Insofar as the remaining 4.15 acres of land which have not been identified by the respondents so far out of the total extent of 6 acres are concerned, I deem it just and appropriate to direct respondent no.1 to conduct survey within a stipulated timeframe.

13. In the result, I pass the following:

ORDER

*(i) Petition is hereby **disposed of**.*

(ii) Respondent Nos.2 and 3 are directed to take recourse to acquisition proceedings for the purpose of acquiring land bearing Sy.No.112 situated at Jyothipura village, Hosakote taluk, Bidarahalli hobli, Bangalore District, measuring 1.25 acres as identified and demarcated in the Report and Sketch at Annexures-C and D dated 06.11.2015 respectively under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013 by issuing preliminary notification under the said Act of 2013 within a period of three months from the date of receipt of a copy of this order.

(iii) The respondents 2 and 3 and / or an officer of the State Government of Karnataka exercising power of a Collector under the said Act of 2013, is directed to determine



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the compensation / rent payable to the petitioner in respect of the aforesaid 1.25 acres from 28.03.2012 till the date of publication of notification under Section 11 of the said Act of 2013; it is made clear that this compensation is in addition to the compensation payable to the petitioner as stated supra and shall be paid to the petitioner along with the said compensation.

(iv) Respondent No.1 is hereby directed to take necessary steps to conduct survey in respect of the remaining extent of 4.15 acres of land belonging to the petitioner and identify the same in terms of the directions issued by this Court in W.P.No.25704/2009 within a period of four months from the date of receipt of a copy of this order.

(v) The said survey shall be conducted after due notice to the petitioner; it is needless to state that having regard to the fact that respondent No.5 is a Defence Research and Development Organization of the Union of India, it will co-operate in the conduct of survey as directed supra.

*Subject to the aforesaid observations, petition stands **disposed of.**"*

2. A perusal of the material on record will indicate that aggrieved by the aforesaid order passed by this Court dated 22.06.2021, the review petitioner approached the Hon'ble Division Bench in W.A.No.600/2024 in which the delay in filing the appeal was condoned vide order dated 11.09.2025. However, the review petitioner and Union of India, who were appellants in



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W.A.No.600/2024, withdrew the said appeal which was disposed of vide final order dated 15.12.2025 with liberty to file the present review petition and accordingly, review petitioners (respondent Nos.4 and 5 in the writ petition) are before this Court by way of the review petition.

3. Heard learned counsel for the petitioners and learned counsel for the respondents and perused the material on record.

4. A perusal of the aforesaid order passed by this Court in W.P.No.52713/2017 will indicate that this Court placed reliance upon the survey report dated 29.07.2015, which was submitted on 06.11.2015 along with survey sketch for the purpose of passing the said order. Further, as jointly submitted by both sides, review petitioners herein have preferred one more W.P.No.7099/2024 challenging the aforesaid survey sketch and report and seeking the following reliefs:

“a) Quash and set aside the survey sketch and report dated 29.07.2015 prepared by the Deputy Director of Land Records, respondent No.2 vide Annexure-V in view of the joint survey report dated 14.09.1993 vide Annexure-H and letter of Special Land Acquisition Officer dated 29.03.1996 vide Annexure-K.



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b) Quash and set aside the survey sketch and report dated 19.01.2023 prepared by the Deputy Director of Land Records, respondent No.2 vide Annexure-Z.

c) Quash and set aside the communication dated 15.02.2024 issued by respondent No.3 to the petitioners vide Annexure-AB.

d) Direct the Deputy Director of Land Records, respondent No.2 for surveying the entire 180 acres 16 guntas Jyothipura Village in the presence of all the parties and submit a survey sketch and report.

e) Pass such other order/s in the facts and circumstances of the case; in the interest of justice."

5. Learned counsel for the review petitioners and respondent No.1 jointly submit that the aforesaid writ petition in W.P.No.7099/2024 is posted before the Co-ordinate bench of this Court on 23.09.2026.

6. The aforesaid facts and circumstances clearly indicate that since this Court passed the aforesaid final order dated 22.06.2021 in W.P.No.52713/2017 by placing reliance upon the survey sketch and report, which is challenged in W.P.No.7099/2024. Accordingly, in order to avoid conflicting judgments / conflicting orders and in order to give a quietus to the dispute between the parties, without expressing any opinion on the



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merits / demerits and keeping all contentions to be urged between the parties in W.P.No.52713/2017 as well as in W.P.No.7099/2024, I deem it just and appropriate to set aside the final order dated 22.06.2021 passed in W.P.No.52713/2017 and restore the said petition and dispose of the present review petition by issuing certain directions.

7. In the result, I passed the following:

ORDER

- i) The review petition is hereby **allowed**.
- ii) The order dated 22.06.2021 passed in W.P.No.52713/2017 is hereby set aside.
- iii) W.P.No.52713/2017 is restored to the file of this Court.
- iv) Registry is directed to tag / link W.P.No.52713/2017 along with W.P.No.7099/2024 and post both the petitions before the appropriate bench having roster on **23.09.2026**.
- v) All rival contentions on all aspects of the matter are kept open and no opinion is expressed on the same.

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