



CNR: KAHC010167752025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF AUGUST, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN

WRIT APPEAL NO. 371 OF 2025 (LA-BDA)

BETWEEN:

1. MYSORE URBAN DEVELOPMENT AUTHORITY
REP. BY ITS COMMISSIONER,
J.L.B. ROAD, K.G. KOPPAL,
CHAMARAJAPURAM MOHALLA,
MYSORE 570 005.
2. THE SPECIAL LAND ACQUISITION OFFICER,
MYSORE URBAN DEVELOPMENT AUTHORITY,
J.L.B ROAD, K.G. KOPPAL,
CHAMARAJAPURAM MOHALLA,
MYSORE 570 005.

...APPELLANTS

(BY SRI. PRASANNA B.R., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
BY ITS SECRETARY,
DEPARTMENT OF URBAN DEVELOPMENT,
M.S. BUILDING, BENGALURU 560 001.
2. REKHA
W/O B.T. JAYASHANKAR,
AGED ABOUT 76 YEARS,
R/AT NO.704, 12TH MAIN, 12TH CROSS,
4TH STAGE, T.K.LAYOUT, MYSURU 570 009.

Digitally
signed by
MAHAK N
Location:
High Court
of Karnataka



**NC: 2026:KHC:45806-DB
WA No. 371 of 2025**

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3. ATHRESH
 S/O B.T.JAYASHANKAR,
 AGED ABOUT 46 YEARS,
 R/AT NO.704, 12TH MAIN, 12TH CROSS,
 4TH STAGE, T.K.LAYOUT, MYSURU 570 009.
4. JYOTHI LAKSHMI,
 D/O B.T. JAYASHANKAR,
 AGED ABOUT 51 YEARS,
 R/AT NO.215, 12TH MAIN, 2ND CROSS,
 SARASWATHIPURAM, MYSURU 570 009.
5. UMA VENKATARAM
 D/O LATE B.S.THANDAVA MURTHY
 AGED ABOUT 75 YEARS,
 R/AT NO.2265/40, VINOBA ROAD,
 JAYALAKSHMIPURAM, OPP: BHOODEVI FARM,
 MYSURU 570 012.
6. SUJATHA PRABHAKAR
 D/O LATE B.S. THANDAVA MURTHY,
 AGED ABOUT 73 YEARS,
 R/AT NO.955, APT. NO.104,
 BRIGADE HABITATE, DEEVANS ROAD,
 LAKSHMIPURAM, MYSURU 570 004.
7. VIMALA RAMESH
 D/O LATE B.S. THANDAVA MURTHY,
 SINCE DECEASED BY HER LRS
- 7.1. SRI.C V RAMESH
 HUSBAND OF LATE VIMALA RAMESH
 AGED ABOUT 76 YEARS,
- 7.2. SMT. VARSHA RAMESH
 D/O OF LATE VIMALA RAMESH
 AGED ABOUT 30 YEARS,

 BOTH ARE R/AT NO.1278, 2ND CROSS,
 NEAR VYASARAJA MUTT, KRISHNAMURTYPURAM,
 MYSORE – 570 004.



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8. SUMITHRA KSHETRAPAL
W/O KSHETRAPAL
SINCE DECEASED BY HER LRS

8(A) SMT. ASHA KISHAN,
W/O SRI KISHAN ASWATH,
AGED ABOUT 44 YEARS,
R/AT SINCHANA #849, 8TH 'B' MAIN,
17TH CROSS, ISRO LAYOUT, J P NAGAR,
BENGALURU SOUTH TALUK,
BENGALURU - 560 078.

8(B) SMT. ASHWINI B.K.,
W/O SRI. CHAITRA K.R.,
AGED ABOUT 40 YEARS,
R/AT NO.29, SIR M V COLONY,
NEAR RAGHAVENDRA SWAMY TEMPLE,
DEVARACHIKKANAHALLI, BILEKAHALLI,
BENGALURU SOUTH TALUK,
BENGALURU - 560 076.

...RESPONDENTS

(BY SRI. M.N.SUDEV HEGDE, AGA FOR R1;
SRI. UDAYA HOLLA, SENIOR ADVOCATE FOR
SRI.GANAPATHI BHAT VAJRALLI, ADV FOR R2-R6, R7(A & B))

THIS WRIT APPEAL FILED U/S 4 OF THE KARNATAKA
HIGH COURT ACT PRAYING TO I)SET ASIDE THE IMPUGNED
ORDER DATED 23/11/2024 IN WP NO.40514/2015 PASSED BY
THE LEARNED SINGLE JUDGE AND TO DISMISS THE WRIT
PETITIONii)GRANT SUCH OTHER AND FURTHER RELIEF.

THIS APPEAL, COMING ON FOR HEARING, THIS DAY,
JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE D K SINGH
AND
HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN



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ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN)

The present appeal has been filed by the Mysore Urban Development Authority ('MUDA' for brevity) impugning the judgment and order dated 23.11.2024 passed by the learned Single Judge of this Court in W.P.No.40514/2015 (LA-BDA).

2. For the sake of convenience, the parties are hereinafter referred to as per their ranking before the learned Single Judge.

3. Briefly stated the facts are, the petitioners are the legal heirs of late B.S.Thandava Murthy and claim rights over an extent of 8 acres 5 guntas in Sy.No.305 of Hinkal Village, Mysuru Taluk. The said land originally formed part of an extent of 14 acres 5 guntas purchased by said B.S.Thandava Murthy under a registered sale deed dated 26.03.1958. After his demise, the petitioners sold an extent of 6 acres and retained the remaining 8 acres 5



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guntas. The respondent-authorities thereafter initiated acquisition proceedings in respect of Sy.No.305 by issuing the Preliminary Notification dated 17.01.1992 and Final Notification dated 20.01.1993.

4. It was the contention of the petitioners that, notwithstanding the acquisition notifications, they continued to remain in possession of the schedule property. According to them, the authorities neither conducted the necessary survey nor drew a mahazar evidencing taking of possession. They further contend that the land continues to have arecanut plantation and that no effective steps were taken by the authorities to complete the acquisition in respect of their portion of the land. It was also their case that no valid award had been passed in respect of the schedule property and that the compensation had not been deposited before the competent Court.

5. The petitioners, therefore, sought a declaration that the Preliminary and Final Notifications had lapsed



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under Section 27 of the Karnataka Urban Development Authorities Act, 1987 ('the Act of 1987' for short). They contended that the authorities had failed to substantially implement the scheme within the statutory period and that the acquisition had remained pending for more than three decades. Reliance was also placed upon the provisions of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 ('the Act of 2013' for brevity) and various judgments of the Hon'ble Supreme Court and this Court to contend that the continued possession of the land by the petitioners, coupled with the absence of material evidencing implementation of the scheme, justified interference by the Court.

6. On the contrary, the respondents, viz., the State Government, MUDA and the Additional Land Acquisition Officer, opposed the writ petition and contended that the acquisition proceedings had been duly initiated and that the statutory process had been



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substantially acted upon. It was submitted that the compensation had already been determined and deposited before the competent Court in LAC No.375/2000. The respondents further asserted that possession of the land had been taken on 27.03.2000 and that the award had been passed on 27.01.1994. On this basis, the respondents sought dismissal of the petition.

7. The respondents also brought to the notice of the Court that the petitioners had earlier approached the Government seeking dropping of the acquisition proceedings in respect of the schedule property. In that regard, MUDA had addressed a letter dated 03.08.2007. It was further pointed out that this Court, in W.P.No.26609/2005, had already upheld the impugned notification. The respondents, therefore, contended that the petitioners could not seek to unsettle the acquisition proceedings at this belated stage, particularly when the acquisition had already been acted upon and the petitioners had been aware of the proceedings.



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8. The respondents further relied upon the passage of time and specifically contended that the writ petition was liable to be dismissed on the ground of delay and laches. According to them, the acquisition proceedings had commenced as early as in 1992 and the petitioners had approached the Court only in 2015. It was therefore submitted that the petitioners had acquiesced in the acquisition proceedings and could not, after such a prolonged period, seek a declaration that the acquisition had lapsed. The respondents consequently sought dismissal of the petition.

9. On consideration of the material on record, the learned Single Judge found that the respondents had failed to place sufficient material establishing that possession of the schedule property had actually been taken. Though the respondents asserted that possession had been taken on 27.03.2000, no mahazar or other contemporaneous material evidencing such taking of possession was produced. On the contrary, the photographs indicated the



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existence of arecanut plantation on the land, the RTC continued to reflect the name of the petitioners' mother as the person in possession and the material in LAC No.375/2000 indicated that the petitioners had not been represented before the Reference Court.

10. The learned Single Judge also noticed that the respondents had failed to satisfactorily explain the exclusion of the remaining extent of land in Sy.No.305 and had not produced relevant material establishing either proper survey and mahazar or actual implementation of the scheme in respect of the schedule property. Applying the principles laid down in ***Chikkaboraiah -vs- State of Karnataka and Others***¹ and other decisions, the Court observed that a scheme under Section 27 of the Act of 1987 is required to be substantially executed within five years from the publication of the declaration under Section 19(1). Where the authority fails to take possession and fails to substantially implement the scheme within the

¹ ILR 2003 KAR 3667.



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prescribed period, the statutory consequence of lapse follows.

11. The learned Single Judge further relied upon the principle that statutory powers must be exercised within a reasonable period, even where the statute does not prescribe a specific time limit. The learned Single Judge has referred to the judgments in ***Ram Chand & Others –vs- Union of India & Others***² and ***Tukaram Kana Joshi & Others –vs- M.I.D.C. & Others***³, which emphasise the obligation of the acquiring authority to complete acquisition proceedings and pay compensation within a reasonable time. In the present case, the Court found that more than three decades had elapsed from the Preliminary Notification and that the respondents had failed to produce convincing material showing implementation of the scheme in respect of the petitioners' land.

² (1994) 1 SCC 44.

³ AIR 2013 SC 565.



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12. The learned Single Judge ultimately found that the petitioners continued to remain in possession of the schedule property and that the respondents had failed to establish by reliable documentary material that possession had been taken. The absence of a mahazar or other contemporaneous evidence of dispossession assumed significance, particularly in view of the continuing entries in the revenue records and the existence of the plantation on the land. The Court, therefore, accepted the petitioners' contention that the acquisition had not been effectively implemented insofar as the schedule property was concerned.

13. The Court also held that there was no satisfactory material to demonstrate that the scheme had been substantially implemented in respect of the petitioners' land within the period contemplated under Section 27 of the Act of 1987. The fact that the acquisition notifications were issued decades earlier, while the petitioners continued in possession and the respondents



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failed to demonstrate effective implementation of the scheme, weighed substantially with the Court. The Court accordingly concluded that the continued assertion of acquisition over the petitioners' land, without corresponding implementation of the scheme, could not be sustained.

14. Consequently, the writ petition was allowed and the Preliminary Notification dated 17.01.1992 and Final Notification dated 20.01.1993 were held to be contrary to Section 27 of the Act of 1987 insofar as the petition schedule property was concerned. The acquisition proceedings were accordingly declared to have lapsed in respect of the petitioners' land. Aggrieved by the said order of the learned Single Judge, the respondents have preferred this intra-court appeal.

15. The principal grounds urged in the instant appeal are that the learned Single Judge erred in entertaining the writ petition after an inordinate and unexplained delay of about 23 years, since the Preliminary



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Notification was issued on 17.01.1992 and the Final Notification on 20.01.1993, whereas the writ petition was filed only in the year 2015. The respondents contend that the acquisition proceedings had been completed in accordance with law, including passing of the award, service of notices, deposit of compensation before the Reference Court and taking over of possession. It is specifically asserted that the original petitioner had been served with the relevant notices and that compensation of Rs.5,67,094/- was deposited in LAC No.375/2000. The respondents, therefore, contend that the writ petition ought to have been rejected at the threshold on the ground of delay, laches and acquiescence, particularly when the petitioners had not offered any satisfactory explanation for the prolonged delay.

16. The respondents further contend that the learned Single Judge failed to properly appreciate the material demonstrating actual possession and substantial implementation of the acquisition scheme. According to



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the respondents, a storm-water drain and a 9-meter service road were formed and as many as 38 sites were developed on the subject land, supported by the documents and layout plans produced before the Court. It is also urged that the very same acquisition proceedings had earlier been challenged in W.P.No.26609/2005, wherein this Court vide order dated 27.06.2007 had held that the scheme and the requirements of Section 27 had been complied with, and the said decision was affirmed in W.A.No.1517/2007. The respondents, therefore, contend that the learned Single Judge erred in relying upon *Chikkaboraiah's case (supra)*, particularly when the said decision was subsequently set aside by the Division Bench and further failed to appreciate that when an acquisition is challenged after such an inordinate delay, the Court ought to be slow in interfering with completed acquisition proceedings, keeping in view the public interest and the implementation of the development scheme.



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17. We have heard Sri.Udaya Holla, learned Senior Counsel appearing on behalf of the petitioners and Sri.B.R.Prasanna, learned counsel for MUDA and learned AGA for the State.

18. The point that arises for our consideration is,

Whether the order passed by the learned Single Judge in W.P.NO.40514/2015 dated 23.11.2024 suffers from any illegality or infirmity warranting interference by this Court?

19. Having heard the learned counsel for the parties and having carefully considered the order passed by the learned Single Judge, we are of the view that the writ appeal deserves to be allowed.

20. At the outset, the challenge to the acquisition proceedings is liable to fail solely on the ground of inordinate delay and laches. The acquisition proceedings commenced with the Preliminary Notification dated 17.01.1992 and the Final Notification dated 20.01.1993, whereas the writ petition was instituted only in the year



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2015. Thus, the challenge was mounted after a lapse of more than two decades. The petitioners have not offered any satisfactory explanation for such an extraordinary delay. Having remained silent for all these years and having permitted the acquisition proceedings to progress, the petitioners could not have been permitted to invoke the extraordinary jurisdiction of this Court at such a belated stage. The learned Single Judge, in our considered view, ought to have given due weight to the question of delay and laches before examining the challenge on merits.

21. We are also unable to agree with the finding that there was no material to establish that the acquisition had been acted upon. The records placed before the Court disclose that an award had been passed on 27.01.1994, compensation had been determined and the amount of Rs.5,67,094/- had been deposited before the competent Reference Court in L.A.C.No.375/2000. The respondents have also relied upon the notification under Section 16(2)



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of the Land Acquisition Act and the proceedings evidencing taking over of possession. Further, the award notice produced before the Court bears the name of the petitioners' mother. These materials could not have been brushed aside while considering the plea that the acquisition had not been completed.

22. More importantly, the material placed by the respondents demonstrates that the acquired land was not lying unused. The formation of a storm-water drain, a 9-metre service road and 38 sites on the acquired land has been specifically pleaded and supported by the relevant documents and layout material. These circumstances clearly indicate that the land was being utilised for the very purpose for which it was acquired. The learned Single Judge, in our view, has not considered these aspects in their proper perspective. The mere reliance upon certain revenue entries or photographs showing the existence of plantation cannot, by itself, lead to the conclusion that



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possession had not been taken or that the development scheme had not been implemented.

23. There is yet another important circumstance which cannot be lost sight of. The acquisition proceedings had earlier been the subject matter of W.P.No.26609/2005, wherein this Court had considered the implementation of the scheme and recorded a finding in favour of the acquiring authority. The said decision was thereafter affirmed in W.A.No.1517/2007. In such circumstances, the learned Single Judge ought to have considered the effect of the earlier adjudication before arriving at a contrary conclusion in the subsequent proceedings. The earlier findings, coupled with the material demonstrating development of the acquired land, make it difficult to sustain the conclusion that the scheme had not been substantially implemented.

24. We also find substance in the submission of the respondents that reliance was placed upon ***Chikkaboraiah's case (supra)*** without noticing that the



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said decision had subsequently been set aside by the Division Bench in W.A.No.5961/2003 dated 12.01.2011. The subsequent decision had held, *inter alia*, that the scheme could not be treated as having lapsed merely in respect of an individual parcel of land. Therefore, a decision which had ceased to hold the field could not have been made the foundation for granting relief to the petitioners. The legal position as it stood on the date of consideration of the writ petition ought to have been applied.

25. Viewed cumulatively, the long and unexplained delay, the earlier round of litigation, the material relating to the award and compensation, the evidence regarding possession and above all, the subsequent development carried out on the acquired land persuade us to hold that the relief granted by the learned Single Judge cannot be sustained. The Court exercising writ jurisdiction must also bear in mind the consequences of unsettling an acquisition after several decades, particularly when the acquiring



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authority has acted upon the acquisition and undertaken development for a public purpose. Permitting such a belated challenge would have the effect of unsettling a concluded public project and would amount to putting a premium on the inaction of the petitioners.

26. The acquisition proceedings commenced with the Preliminary Notification dated 17.01.1992 and culminated in the Final Notification dated 20.01.1993, whereas the writ petition came to be instituted only in the year 2015. Thus, the petitioners approached the Court after an inordinate lapse of more than two decades. No satisfactory explanation for such delay is forthcoming. It is well settled that a person, who is aggrieved by acquisition proceedings, is required to approach the Court with reasonable expedition. Having remained silent and permitted the acquisition proceedings to progress and the acquiring authority to act upon the same, the petitioners cannot, after such a prolonged period, seek to unsettle the acquisition.



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27. For the aforesaid reasons, we are of the considered view that the order of the learned Single Judge suffers from an error in appreciation of the material on record and the applicable legal position. The finding that the acquisition proceedings had lapsed cannot be sustained.

Accordingly, the writ appeal is allowed. The order under challenge is set aside and the writ petition stands dismissed.

**Sd/-
(D K SINGH)
JUDGE**

**Sd/-
(H.SHANTHI BHUSHAN)
JUDGE**

KNM
List No.: 2 Sl No.: 4