



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 1ST DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE R. NATARAJ

WRIT PETITION NO. 8539 OF 2016 (BDA)

BETWEEN:

SMT. M.L. SUGUNA
AGED ABOUT 51 YEARS,
W/O SRI. K.M. MAHENDRA PRASAD,
RESIDING AT NO.1192, 35TH B CROSS,
27TH MAIN, 4TH T BLOCK, JAYANAGAR,
BANGALORE - 560 041.

...PETITIONER

(BY SMT. K.M. ROHINI, ADVOCATE)

AND:

1. STATE OF KARNATAKA
REPRESENTED BY ITS SECRETARY,
DEPT. OF HOUSING AND URBAN DEVELOPMENT
M.S. BUIDLING,
BANGALORE - 560 001.

2. BANGALORE DEVELOPMENT AUTHORITY
KUMARA PARK WEST,
T.CHOWDAIAH ROAD,
BANGALORE - 560 020.
REPRESENTED BY ITS COMMISSIONER.

...RESPONDENTS

(BY SRI. ADITYA DIWAKAR, ADDITIONAL GOVERNMENT ADVOCATE
FOR RESPONDENT NO.1;

SRI. MURUGESH V. CHARATI, ADVOCATE FOR RESPONDENT NO.2)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE
CONSTITUTION OF INDIA PRAYING TO ISSUE DIRECTION IN THE
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HEMALATHA J
Location:
HIGH COURT
OF
KARNATAKA



DIRECTION AS THE CASE MAY BE TO RESTORE THE POSSESSION TO THE PETITIONER AND DIRECTING THE RESPONDENTS TO DELETE THE SCHEDULE PROPERTY FROM THE NOTIFICATION NO.HUD/444/MNX/86 DATED 28.11.1986 PUBLISHED IN PART III (I) OF THE KARNATAKA GAZETTE DATED 25.12.1986 AT PAGE NOS.303 TO 332 (STATED AS DATED 25.12.1986 IN THE PRAYER PORTION OF THE PETITION) AS BUILT UP AREA AND ETC.

THIS PETITION, COMING ON FOR HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE R. NATARAJ

ORAL ORDER

The petitioner has sought for a writ in the nature of mandamus to restore the possession of the petition schedule property to her by directing the respondents to delete it from the notification bearing No.HUD/444/MNX/86 dated 25.12.1986 as built up area. However, Annexure 'R3', which is a copy of the award passed by the Special Land Acquisition Officer of the respondent No.2, discloses that the final notification is dated 28.11.1986 published in Part III (I) of the Karnataka Gazette dated 25.12.1986 at page Nos.303 to 332. On an application - I.A. No.1/2023 filed by the petitioner, this Court in terms of the order dated 21.11.2023, permitted her to amend the writ petition. By way of amendment, the petitioner has also sought



for a writ in the nature of mandamus directing the respondent No.2 either to return the petition schedule site or grant an alternate site to her.

2. The petitioner contends that she is the owner of a Site bearing No.26 formed in Sy. No.150/4 situate at Agara Village, Begur Hobli, Bengaluru South Taluk, where a four square building was constructed which was provided with civic amenities such as electricity and water. She claims that she purchased the said property in terms of a sale deed dated 16.06.2003 from Sri Venkatesh and Smt. C. Saraswathi and that her name is entered in the assessment register maintained by the Municipal Corporation in respect of the petition schedule property and that she has paid the property tax up to date. She claimed that her vendors, namely, Mr. K. Venkatesh and Smt. C. Saraswathi, had purchased the aforesaid property from Sri Doddamuniyappa represented by his power of attorney - Smt. Jayalakshamma. She contends that the land in Sy. No.150/4 was proposed for acquisition for formation of HSR layout / Layout between Hosur Road and Sarjapur Road in terms of a preliminary notification dated 15.12.1984 and a final



notification dated 28.11.1986 published in Part III (I) of the Karnataka Gazette at page Nos.303 to 332 on 25.12.1986. Petitioner contends that the respondent No.2 after being satisfied that 05 guntas in the aforesaid survey number was built up, did not take possession of the said land. Petitioner claims that her predecessor-in-title, namely, Sri Doddamuniyappa, had sought for de-notifying the said extent of 05 guntas of land and to reconvey the same to him. Petitioner claims that she with an intention to put up construction, demolished the existing structure and at that point in time, the respondent No.2 swooped down on the property and exhibited a board claiming that the property belongs to the respondent No.2. The petitioner is, therefore, before this Court seeking for a direction as stated above.

3. Learned counsel for the petitioner submits that when the vendor of the petitioner purchased the site in question, there was a house that existed and the same was conveyed to the petitioner. She, therefore, contends that the respondent No.2 noticing that the construction was prior to the impugned notification had excluded 05 guntas of land in Sy.



No.150/4 from the ambit of acquisition and the possession of the said 05 guntas of land was not taken. She contends that the petitioner had purchased an area measuring 30 feet x 40 feet in the said 05 guntas of land where a house existed and that the said house is provided with all civic amenities. She, therefore, contends that the respondent No.2 having acknowledged the fact that the said site is incapable of being integrated into a layout in view of the existing construction, could not claim that the said property belonged to the respondent No.2. She, therefore, prays that a direction be issued to the respondent No.2 to restore the possession of the site and also to delete the petition schedule property from the acquisition. She has also sought for a direction to either return the Site bearing No.26 or allot an alternative site.

4. The petition is opposed by the respondent No.2, who has filed a statement of objections *inter alia* contending that the writ petition at the instance of the petitioner, who is a subsequent purchaser of the petition schedule property is not maintainable. It has denied the claim of the petitioner that she is the owner of Site No.26. It is claimed that the petitioner was



aware even at the time of purchasing the petition schedule property that the same was acquired by the respondent No.2. Therefore, the petitioner cannot seek for invalidating the acquisition proceedings which are concluded by the respondent No.1. It is claimed that the land in Sy. No.150/4 of Agara Village, measuring 01 Acre 09 guntas was notified by the erstwhile City Improvement Trust Board (for short, 'CITB'), Bengaluru, for formation of HSR Layout in terms of a preliminary notification dated 15.12.1984 and a final notification dated 28.11.1986. As on the date of the notification, Mr.Krishnappa, Son of Mr.Yerrappa and Mr.Doddamuniyappa, son of Mr.Krishnappa were the notified *khatedars* of the said land and they were informed about the proposed acquisition. It is claimed that a notice under Sections 9 and 10 of the Land Acquisition Act, 1894 (for short, 'the L.A. Act') was issued on 19.01.1987 to Mr.Krishnappa and Mr.Doddamuniyappa and Mr. Doddamuniyappa received the notice on 28.01.1987. Thereafter, he filed a claim petition before the Additional Special Land Acquisition Officer on 25.04.1987 and sought for the award of Rs.4,00,000/- as compensation. It is contended that the land in Sy. No.150/4



was inspected and a *mahazar* was drawn on 20.04.1987. At the time of drawing up of *mahazar*, it was noticed that an A.C sheet house measuring 12 feet x 30 feet and another A.C sheet house measuring 10 feet x 20 feet were put up after the final notification. Consequently, after noticing the above developments, an award was passed by Special Land Acquisition Officer on 07.04.1988 and the compensation was determined in respect of the entire extent of land in Sy. No.150/4. A notice dated 21.04.1988 under Section 12(2) of the L.A. Act was issued by the Special Land Acquisition Officer and was served on Mr. Doddamuniyappa. Thereafter, the possession of the property was taken by drawing a *mahazar* under Section 16 of the L.A. Act on 30.04.1988. It is claimed that the possession of the petition schedule property was handed over to the Engineering department of the respondent No.2, who has formed sites and thereafter allotted it to many applicants. It is next contended that the award amount was received by Mr.Doddamuniyappa on 30.11.1988. He also sought for reference under Section 18(3) of the L.A Act and accordingly, the award was referred to the City Civil Court under Section 18(3) of the L.A Act on 15.09.1992. Following



this, a notification under Section 16(2) of the L.A. Act was published on 04.07.1991. Thus, it is contended that the entire acquisition proceedings is completed and the said land in Sy. No.150/4 is vested in the respondent No.2 free from all encumbrances and therefore, the petitioner cannot claim title over the petition schedule property. With these and similar such contentions, the respondent No.2 prayed that the petition be dismissed.

5. The learned counsel for the respondent No.2 reiterated the above submissions.

6. Learned Additional Government Advocate for respondent No.1 adopted the submissions of the learned counsel for respondent No.2.

7. I have considered the submissions of the learned counsel for the petitioner and the learned Additional Government Advocate for respondent No.1 and the learned counsel for respondent No.2.

8. The land in Sy. No.150/4 of Agara Village measuring 01 acre 09 guntas was proposed for acquisition for



formation of H.S.R layout in terms of a preliminary notification dated 15.12.1984 issued by the then CITB followed by a final notification dated 28.11.1986 issued by the respondent No.1 and published in Part III (I) of the Karnataka Gazette at page Nos.303 to 332 on 25.12.1986. It appears from the documents produced by the petitioner that Mr. K. Venkatesh and Smt. C. Saraswathi, the vendors of the petitioner, had purchased the Site bearing No.26, house list No.1, katha No.587 situate at Dodda Agara village, Begur Hobli, Bangalore South Taluk, measuring East to West 30 feet and North to South 40 feet from Mr. Doddamuniyappa represented by his power of attorney, Smt. Jayalakshamma, along with a one square Mangalore tiled roofed house built thereon in terms of a sale deed dated 07.07.1994. The vendors of the petitioner then conveyed the said property to the petitioner in terms of a sale deed dated 16.06.2003. The schedule mentioned in the sale deed also indicates that what was purchased by the petitioner was one square house with a tiled roof. Therefore, it is more than evident that a one square building existed on the Site bearing No.26 formed in Sy. No. 150/4 much prior to the date of acquisition. This finds credence from the proceedings of the



award dated 17.02.1988 placed on record by the learned counsel for the respondent No.2, which shows that two Asbestos Cement (A.C.) sheet houses measuring 12 feet x 30 feet and 10 feet x 20 feet respectively, belonging to Mr. Doddamuniyappa and Mr. Muniyappa respectively, existed on the land bearing Sy. No. 150/4 of Agara Village. There is nothing on record to show that the respondent No.2 had taken any steps to remove the construction so put up. One of the houses so constructed was by Mr. Doddamuniyappa, who apparently is the predecessor-in-title of the petitioner in respect of the Site bearing No.26. Therefore, it can safely be held that the construction put up on the land in Sy. No.150/4 of Agara village was by the predecessor-in-title of the petitioner and that the petitioner has purchased the very same property, where a building was constructed. Even in the *mahazar* dated 30.04.1988 taking possession of the land bearing Sy. No. 150/4 measuring 01 acre 09 guntas situate in Agara village, there is reference to A.C. sheet house measuring 12 feet x 25 feet. Thus, it can safely be held that the petitioner was in possession of the said house from the year 2003 and that her predecessor-in-title, namely, Mr. Doddamuniyappa, was in



possession of the same from the year 1994 and onwards. Though the petitioner is not entitled to the reliefs sought for in the petition, as that would amount to dilution of the impugned notification issued by the respondent No.1, having regard to the beneficial purpose of Section 38D of the Bangalore Development Authority Act, 1976, the petitioner is entitled to seek regularisation of her occupation of the Site No.26 formed in Sy. No.150/4 of Agara village.

9. Consequently, this Writ Petition is ***allowed in part***. The reliefs sought for in the writ petition are rejected. However, the petitioner is directed to file an application under Section 38D of Bangalore Development Authority Act, 1976 seeking regularisation of her occupation of the Site bearing No.26 formed in Sy. No. 150/4 of Agara Village, Begur Hobli, Bengaluru South Taluk within a month from the date of receipt of a certified copy of this order and if an application is filed, the respondent No.2 shall consider the same in the light of the observations made above and pass appropriate orders within a period of three months from the date of receipt of the application. If the petitioner does not avail this benefit, the



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respondent No.2 shall proceed in accordance with law to take over possession of the petition schedule property.

Sd/-
(R. NATARAJ)
JUDGE