



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 8TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE R. NATARAJ

WRIT PETITION NO. 9230 OF 2023 (LA-KIADB)

BETWEEN:

1. G. VISHNU
S/O G. SRIDHARA MURTHY
AGED ABOUT 73 YEARS
R/AT NO.171,
37TH CROSS
9TH MAIN, 5TH BLOCK
JAYANAGARA
BENGALURU-560 041
2. SMT.G.RADHA W/O
LATE G.DRUVA RAO
AGED ABOUT 68 YEARS
3. DR.G.PAVAN
S/O LATE G DHRUVA RAO
AGED ABOUT 54 YEARS
PETITIONER NOS.2 AND 4 ARE
R/AT NO.B1,
KOLACHALAM COMPOUND
BALLARY - 583101
4. SMT.G.PRATHIBHA
D/O LATE G. DHRUVA RAO,
W/O SHRISHA RAO,
AGED ABOUT 50 YEARS,
R/AT NO.23
1ST CROSS ROAD,
RAMRAO LAYOUT,
KATRIGUPPE,
BENGALURU SOUTH
BENGLURU - 560 085.
[AMENDMENT CARRIED OUT AS PER ORDER



DATED 25.03.2025]

...PETITIONER

(BY SMT. AISHWARYA S, ADVOCATE FOR
SRI. P.N. RAJESWARA, ADVOCATE)

AND:

1. STATE OF KARNATAKA
REPRESENTED BY ITS
PRINCIPAL SECRETARY
COMMERCE AND INDUSTRIES DEPARTMENT
VIKASA SOUDHA
BENGALURU-560 001.
2. KARNATAKA INDUSTRIAL AREAS
DEVELOPMENT BOARD
4TH AND 5TH EAST WING
5TH FLOOR, KHANIJA BHAVAN
RACE COURSE ROAD
BENGALURU-560 001
REPRESENTED BY ITS
CHIEF EXECUTIVE OFFICER
AND EXECUTIVE MEMBER.
3. SPECIAL LAND ACQUISITION OFFICER-2
KARNATAKA INDUSTRIAL AREAS
DEVELOPMENT BOARD
NO.39, BHARATH SCOUTS AND
GUIDES BUILDING,
SHANTI GRUHA
4TH FLOOR, PALACE ROAD
BENGALURU-560 001.

...RESPONDENTS

(BY SMT. POOJA M. KOORSE, HCGP FOR R1;
SRI. ASHOK N. NAYAK, ADVOCATE FOR R2 AND R3)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE
CONSTITUTION OF INDIA PRAYING TO QUASH THE PRELIMINARY
NOTIFICATION BEARING NO.CI 10 FDB 69, DATED 01.09.1969
(ANNEXURE-A), ISSUED BY THE RESPONDENT NO.1 IN SO FAR AS
38 GUNTAS OF LAND IN SY.NO.39/2 OF PEENYA VILLAGE IS



CONCERNED AS IT IS UNREASONABLE, ARBITRARY ILLEGAL AND UNCONSTITUTIONAL (ANNEXURE-A) AND ETC.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE R. NATARAJ

ORAL ORDER

The petitioners have called in question the preliminary notification bearing No.CI 10 FDB 69 dated 01.09.1969 issued by the respondent No.1 in so far as it relates to 38 guntas of land in Sy.No.39/2 of Peenya Village. They have also sought for a writ in the nature of mandamus directing the respondent Nos.2 and 3 to determine the compensation for 11 guntas of land acquired as per the final notification dated 19.03.2019. They have also sought for a writ in the nature of certiorari to quash the award bearing No.ಬೆಂಗಳೂರು/ವಿಭೂಸ್ವಾತ/1864/2023-24 dated 03.10.2023 passed by the respondent No.3.

2. (i) The petitioners claim that they are the owners of Sy.No.39 of Peenya Village, which was notified as an industrial area under Section 3 of the Mysore Industrial Areas Development Act on 08.08.1967, followed by a preliminary



notification published on 01.09.1969. A final notification was published on 22.08.1970. The petitioners challenged the final notification in W.P.No.1562/1971 and this Court in terms of an order dated 28.11.1973 quashed the final notification dated 22.08.1970 and directed the State Government to acquire and to proceed from the stage of issuance of notice as prescribed under Section 28(2) of the Karnataka Industrial Areas Development Act, 1966 (henceforth referred to as 'the KIAD Act'). Thereafter, another final notification dated 08.02.1979 was issued, which also suffered from the same vice as was pointed out in the order dated 28.11.1973 in W.P.No.1562/1971. Accordingly, the petitioners challenged the said notification in W.P.No.16309/1979 and the final notification was quashed in terms of the order dated 02.01.1984.

(ii) Despite quashing of the final notification without the land vesting in the respondent No.2, an extent of 11 guntas out of 1 acre 9 guntas was used up by the respondent Nos.2 and 3 for formation of the road without the notice and knowledge of the petitioners. The petitioners claim that they came to know of this only when the survey number of their property was



bifurcated to Sy.No.39/2 and their names were entered in respect of the revenue records concerning 1 acre 9 guntas in Sy.No.39/2. The petitioners then confronted the respondents as to how they could utilize a portion of their land for the purpose of formation of a service road. At that stage, the respondent Nos.2 and 3 issued an endorsement dated 24-27.03.2014 stating that 11 guntas of land has been used by the respondent No.2 for the formation of service road and 38 guntas has not been acquired and that it is dropped from acquisition proceedings.

(iii) The petitioners claim that they requested the respondent authorities to pass an award in respect of 11 guntas land vide their representation dated 24.01.2014. Thereafter, the respondent No.2 prepared a draft notification to acquire 11 guntas of land and submitted the same to the Special Deputy Commissioner for notifying the said 11 guntas. A draft preliminary notification under Section 28(1) of the KIAD Act was also attached to the said letter. However, no action was taken to publish the said preliminary notification. The petitioners aggrieved by the inaction on the part of the



respondents filed W.P.No.12197/2016 to direct respondents to acquire 11 guntas of land in Sy.No.39/2 and also pay compensation in respect of 11 guntas. The petitioners claim that as per the notification dated 19.03.2019 published in the Karnataka Gazette on 02.05.2019, a final notification under Section 28(4) of the KIAD Act was issued following the preliminary notification dated 01.09.1969, declaring the intention of the respondent No.1 to acquire 11 guntas of land in Sy.No.39/2. In view of the final notification issued by the respondent No.1, W.P.No.12197/2016 filed by the petitioners was disposed of, directing the respondents to pass an award in accordance with law within six months from the date of receipt of a copy of the order and pay compensation in favour of the petitioners.

(iv) Despite the above, the respondents delayed the matter and did not finalize the payment of compensation. The petitioners claim that from the records maintained in the office of the respondent No.3, two awards were forthcoming. In one award, the compensation for 11 guntas was determined at Rs.12,500/- per square feet and taking the date of final



notification as the date of preliminary notification and in accordance with order dated 29.11.2013 in W.P.No.35638-539/2012 and the letters dated 16.04.2019 and 22.04.2019 issued by respondent No.1 and the compensation was determined at Rs.6,13,84,409/-. This award was signed by the then incumbent of the office of the respondent No.3 on 04.06.2021. This document was also sent to the Special Deputy Commissioner of respondent No.2 for approval. However, the said proposal was sent back on the ground that before framing the award, the possibility of payment of compensation under negotiated rate under Section 29(2) of the KIAD Act had to be explored.

(v) Thereafter, a meeting of the Land Price Advisory Committee was held on 08.06.2021, which recommended for payment of compensation at the rate of Rs.12.5 crores per acre. However, when the matter was placed before the Board at the 378th meeting held on 07.05.2022, the price recommended by the Land Price Advisory Committee was not accepted. The petitioners contend that after the new incumbent of the office of the respondent No.3 changed, the new



incumbent of the office of the respondent No.3 prepared a draft award for a sum of Rs.42,669/- by considering the date of the preliminary notification as 01.09.1969 and without applying the principles of payment of compensation under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. The petitioners are therefore before this Court not only challenging the preliminary notification but also for a direction to the respondent Nos.2 and 3 to pay compensation for 11 guntas by treating the date for determining the market value as on 19.03.2019 when a final notification was issued and to quash the award passed by the respondent No.3.

3. The learned counsel for the petitioners while reiterating the above contentions submitted that the respondent No.2 has used up 11 guntas of land belonging to the petitioners even without issuing a final notification and even without taking over possession in the manner known to law and without paying compensation. She contends that the respondent No.3 has passed an award by considering the date for the purpose of determining the market value as 01.09.1969



when the preliminary notification was initially issued. She contends that there is a long lapse of time from 1969 till 2023 when impugned award is passed and therefore, the respondent Nos.2 and 3 are bound to be reined in by directing them to pass a fresh award by considering the date of the final notification i.e. 19.03.2019 for the purposes of determining the market value. In support of this contention, she has relied upon the judgment of the Hon'ble Apex Court in the case of ***Bernard Francis Joseph Vaz and Others Vs. Government of Karnataka and Others - 2025 SCC OnLine SC 20.***

4. Per contra, the learned counsel for the respondent Nos.2 and 3 submitted that only 11 guntas of land belonging to the petitioners is used up for formation of a service road in the year 1984. He does not dispute the issuance of preliminary notification followed by a final notification, which was assailed in W.P.No.1562/1971 and the order dated 28.11.1973 by which the final notification was quashed and the subsequent final notification dated 08.02.1979, which was also assailed in W.P.No.16309/1979 and set at nought by this Court in terms of the order dated 02.01.1984. His contention is that, out of 1



acre 9 guntas of land in Sy.No.39/2, 38 guntas is already dropped from acquisition and the same is informed to the petitioners and it is only 11 guntas of land which is now acquired in terms of the final notification dated 19.03.2019. He contends that for the purposes of determining the market value, it is the date of the preliminary notification that has to be taken into consideration as the petitioners would be entitled to interest from the date of preliminary notification and at enhanced rate of interest from the date of taking over possession till payment. Thus, he contends that the impugned award need not be upset.

5. I have considered the submissions of the learned counsel for the petitioners and the learned counsel for the respondent Nos.2 and 3.

6. The facts asserted by the petitioners in the Writ Petition is largely not in dispute. A preliminary notification was issued on 01.09.1969. A final notification issued was consistently quashed by this Court in W.P.Nos.1562/1971 and 16309/1979. The respondent No.1 did not take any steps for issuance of the final notification. However, the respondent No.2



unlawfully used up 11 guntas of land belonging to the petitioners for the purposes of formation of a service road. The utilization of 11 guntas in Sy.No.39 by the respondent No.2 is not in dispute. After protracted proceedings, the respondent No.1 issued a final notification dated 19.03.2019, which was published in the Karnataka Gazette on 02.05.2019. The respondent No.3 did not pass an award soon thereafter but passed an award on 03.10.2023. It is therefore evident that the petitioners lost the utility of the land from the year 1969 till the year 2023 and the compensation that is awarded by the respondent No.3 by considering the market value that existed on 01.09.1969. At any rate, the compensation determined does not qualify to be just and reasonable compensation. If only the respondent No.3 had determined the compensation at the earliest point in time when possession of the land was taken over at the rates prevalent at that time, the petitioners could have rehabilitated themselves by purchasing suitable land with the compensation that may have been awarded. Since the petitioners have been deprived of the rightful compensation that they were entitled to for more than five decades, it is imperative that the date of the notification for the purpose of



determining the market value is moved from 01.09.1969 to 02.05.2019, when the respondent No.1 issued a final notification. This would also subserve the ends of justice, as the petitioners are deprived of the value of the property for over five decades. This is in sync with the judgment of the Hon'ble Apex Court in ***Bernard Francis Joseph Vaz's case*** referred *supra*.

7. It is stated in the statement of objections filed by the respondent No.2 that the acquisition in respect of 38 guntas of land in Sy.No.39 of Peenya Village is already dropped and that the acquisition is only in respect of 11 guntas of land. Therefore, the preliminary notification dated 01.09.1969 deserves to be restricted to 11 guntas of land in Sy.No.39 of Peenya Village. Any entry of the name of the respondent No.2 or respondent No.1 in the revenue records of Sy.No.39 or 39/2 of Peenya village concerning 0-38 guntas, deserves to be deleted and the name of the petitioner deserves to be restored.

8. In view of the above discussion, the following order is passed:



ORDER

- i. The writ petition is ***allowed in part;***
- ii. The preliminary notification bearing No.CI 10 FDB 69 dated 01.09.1969 issued by the respondent No.1 shall be construed as only concerning 11 guntas of land in Sy.No.39 of Peenya Village. The remaining 38 guntas of land in Sy.No.39 is declared as not affected by the notification bearing No.CI 10 FDB 69 dated 01.09.1969. Consequently, any revenue entries in the name of the respondent No.1 or the respondent No.2 in respect of 38 guntas in Sy.No.39 or 39/2 of Peenya Village shall stand deleted and the names of the petitioners shall stand restored.
- iii. As regards the payment of compensation, the respondent No.3 shall pass a fresh award by considering the market value of 11 guntas of land in Sy.No.39 of Peenya Village as on 02.05.2019 and pass appropriate awards. While doing so, the respondent No.3 shall ensure that the petitioners



are granted all statutory benefits and interests as provided in law.

- iv. This shall be complied within a period of three months from the date of receipt of a copy of this order.

Sd/-
(R. NATARAJ)
JUDGE