



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE S SUNIL DUTT YADAV

WRIT PETITION NO. 9719 OF 2026 (LA-BDA)

BETWEEN:

1. SRI LOKESH C
S/O LATE K CHENNAIAH,
AGED ABOUT 54 YEARS,
R/AT 24461/1, 5TH CROSS,
2ND MAIN, K G KOPPAL,
MYSORE - 570 009.

... PETITIONER

(BY SRI. HARSHA V., ADVOCATE)

AND:

1. STATE OF KARNATAKA
URBAN DEVELOPMENT DEPARTMENT,
M.S. BUILDING, BANGALORE - 560 001.
REPRESENTED BY ITS SECRETARY,
2. MYSORE URBAN DEVELOPMENT AUTHORITY,
JHANSI LAKSHMI BAI ROAD,
MYSORE - 570 005.
BY ITS COMMISSIONER,
3. SPECIAL LAND ACQUISITION OFFICER,
MYSORE URBAN DEVELOPMENT AUTHORITY,
JHANSI LAKSHMI BAI ROAD,
MYSORE - 570 005.

... RESPONDENTS



(BY SRI. HARISH A.S., AGA FOR R1;
SRI T.P. VIVEKANANDA, ADVOCATE FOR R2 AND R3)

THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASHING THE PRELIMINARY NOTIFICATION DATED 09.10.2006, BEARING NO. LAQ (1) CR 79/2005-06 ISSUED BY THE 2ND RESPONDENT AUTHORITY AT ANNEXURE-A TO THE WRIT PETITION IN SO FAR AS SCHEDULE PROPERTY BELONGING TO THE PETITIONER IS CONCERNED AND ETC.

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

CORAM: HON'BLE MR. JUSTICE S SUNIL DUTT YADAV

ORAL ORDER

The petitioner has sought for setting aside of the Preliminary Notification dated 09.10.2006 issued by the second respondent at Annexure-A insofar as property of the petitioner in Sy.No.69/p2-p2, measuring 01 Acre, situated at Yandahalli Village, Jayapura Hobli, Mysore Taluk, Mysore District.

2. The petitioner has sought for alternate relief as well for declaration that the acquisition proceedings initiated pursuant to issuance of Preliminary Notification dated 09.10.2006 as lapsed by virtue of coming into force



of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, insofar as the schedule property is concerned.

3. It is noticed that preliminary notification was passed on 09.10.2006. The assertion of the petitioner that despite such preliminary notification passed in 2006, no steps have been taken to conclude acquisition proceedings till date remains uncontroverted.

4. Perused the order passed in W.P.No.1176/2020 dated 22.01.2020. The observation made from para 4 onwards reads as follows:

"4. The learned counsel appearing for the petitioner draws the attention of this Court to two decisions of Co-ordinate benches of this Court in the case of K.S. Shivakumar vs. State of Karnataka and others in WP Nos.45100-45101/2015 which was decided on 15.10.2015 and Smt. Puttabasamma and others vs. State of Karnataka and others in WP No.4781/2018 which was disposed on 15.02.2018 wherein the very same notification dated 09.10.2006



was quashed in so far as the land belonging to the petitioners therein.

5. The Co-ordinate benches have held that the claim for formation of the layout had lapsed. Consequently the preliminary notification was quashed. However the learned counsel very fairly brings to the notice in this Court, another decisions of a Co-ordinate bench in the case of Fr. Eldho John and others vs. The Mysore Urban Development Authority and others in WP Nos.47459-461/2018 which was decided on 26.06.2019. In the said decision the Co-ordinate bench was called up on to consider two decisions of the Hon'ble Supreme Court in the case of Ram Chand and others v/s Union of India reported in (1994) I SCC 44 and C.G. Gangadhar and Bengaluru Development Authority and another vs. The State of Karnataka and another in civil appeal Nos.7661-63/2018 which was decided on 03.08.2018.

6. The Co-ordinate bench, having considered both the decisions observed that on perusal of the decision of the Hon'ble Supreme Court at para-19 in the case of Bengaluru Development Authority (supra), it was evident that the Supreme Court in the aforesaid decisions had held that in the circumstances mentioned in para-19 of the aforesaid



decision, it was not open to the High Court to quash the preliminary notification issued under Section 17 of the Act as land owners, State Government and Bengaluru Development Authority were responsible for creating a mess in the way of planned development of Bengaluru city.

7. However, it was held that the factual matrix referred in the case of Bengaluru Development Authority (supra) by the Supreme Court at para-19 of the aforesaid decision was not similar to the factual matrix obtained in the case of land. Therefore, on the ground of parity, the writ petition was allowed and the notification issued under Section 17(1) of the Act was quashed.

8. Moreover, the decisions of the Co-ordinate benches in the case of K.S. Shivakumar & Smt. Puttabasamma (Supra) have become final and respondent have not challenged the decisions where the very same notification was quashed. Therefore this petition is allowed.

9. The impugned notification dated 09.10.2006 at Annexure – 'A' is hereby quashed in so far as the property of the petitioner is concerned.

It is ordered accordingly."



5. The said order relates to the same notification of 09.10.2006 which is the subject matter of adjudication in the present matter as well. The notification for acquisition was issued for formation of layout known as "Nalwadi Krishnaraja Wodeyar Nagar."

6. Taking note of the above observations made by the Coordinate Bench noticing that the respondent authorities have not taken any action after passing of the Preliminary Notification on 09.10.2006, it could be construed that the respondent authorities have abandoned acquisition proceedings insofar as petitioner's property is concerned. Accordingly, the impugned notification dated 09.10.2026 at Annexure-A is quashed insofar as the property of the petitioner referred to above.

7. Accordingly, the petition is disposed of.

**Sd/-
(S SUNIL DUTT YADAV)
JUDGE**

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