



CNR: KAHC010214432014

NC: 2026:KHC:38848
WP No. 26530 of 2014

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE R. NATARAJ

WRIT PETITION NO. 26530 OF 2014 (LA-RES)

BETWEEN:

1. SRI THIPPERUDRAPPA
SINCE DEAD BY HIS LRS

1(a) VINAY N N
AGED ABOUT 31 YEARS
GRANDSON OF THIPPERUDRAPPA
R/AT NO 5658/17, LIC COLONY
VIDYANAGARA, DAVANAGERE
BAPUJI VIDYANAGARA
DAVANAGERE-577005.

2. SRI MAHADEVAPPA
SINCE DEAD BY HIS LRS

2(a) RUDRESHA A M
AGED ABOUT 46 YEARS
S/O LATE MAHADEVAPPA
R/AT SIDDANAMATHA VILLAGE
CHANNAGIRI TALUK
DAVANAGERE DISTRICT-577 552.

2(b) RAMESH A M
AGED ABOUT 44 YEARS
S/O LATE MAHADEVAPPA
RESIDING AT SIDDANAMATHA VILLAGE
CHANNAGIRI TALUK
DAVANAGERE DISTRICT-577 552.

2(c) RANGASWAMY A M
AGED ABOUT 40 YEARS
S/O LATE MAHADEVAPPA
R/AT SIDDANAMATHA VILLAGE

Digitally
signed by
HEMALATHA J
Location:
HIGH COURT
OF
KARNATAKA



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CHANNAGIRI TALUK
DAVANAGERE DISTRICT-577 552.

...PETITIONERS

(BY SRI. PALLAVA R., ADVOCATE)

AND:

1. STATE OF KARNATAKA
DEPARTMENT OF REVENUE
VIDHANA SOUDHA
AMBEDKAR VEEDHI
BANGALORE-560 001
REP. BY ITS SECRETARY.
2. THE DEPUTY COMMISSIONER
DAVANAGERE DISTRICT
DAVANAGERE-577 001.
3. THE ASSISTANT COMMISSIONER
AND LAND ACQUISITION OFFICER
DAVANAGERE SUB-DIVISION
DAVANAGERE - 577 001.
4. THE DEVELOPMENT OFFICER
SIDDHANAMATH GRAMA PANCHAYATH
CHANNAGIRI TALUK
DAVANAGERE DISTRICT-577 552.
5. HANUMANTHAPPA
S/O DODDAHANUMANTHAPPA
AGED ABOUT 59 YEARS
THE DEVELOPMENT OFFICER
SIDDHANAMATH GRAMA PANCHAYATH
CHANNAGIRI TALUK
DAVANAGERE DISTRICT 577 552.

...RESPONDENTS

(BY SMT. POOJA M KOORSE, HCGP FOR R1 TO R4;
SRI. B K MANJUNATH, ADVOCATE R5)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227
PRAYING TO QUASH THE NOTIFICATION NO.LAQ CR 46/2012-13
DATED:17.6.2013 ISSUED BY RESPONDENT NO.2 VIDE ANNEXURE-P
AND ETC.,



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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 challenged a notification bearing No.LAQ.CR.46/2012-13 dated 17.06.2013 issued by the respondent No.2 under Section 4(1) of the Land Acquisition Act, 1894.

2. (i) The petitioners claim that they are the owners of land in Sy.Nos.82 and 93/1 situate at Siddanamath village. They claim that they have raised a garden in the aforesaid land. They contend that their land and the land of Mr. S.R.Umesh lie adjacent to each other. They claim that the said Mr. S.R. Umesh is a powerful and a rich man and it was his desire to take over the garden lands of the petitioners so that he can have a bigger estate. The petitioners claim that the said Mr. S.R. Umesh desired to purchase their lands but they did not agree. The petitioners claim that therefore they and Mr. S.R. Umesh were at loggerheads since a long time. They contend that certain other disputes arose between them and Mr. S.R. Umesh and hence, they restrained him from passing



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over their the garden land and directed him to use a regular road to reach his land. The said Mr. S.R. Umesh tried to trespass into the petitioners' garden with a malafide intention to cause damage. Later, the said Mr. S.R. Umesh filed O.S.No.260/2011 before the Principal Civil Judge and JMFC, Channagiri, with a prayer to declare that he has an easement right over the land belonging to the petitioners. The Trial Court rejected an application filed by Mr. S.R. Umesh which was thereafter challenged in M.A.No.1/2012 though unsuccessfully.

(ii) Petitioners claim that when attempts of Mr. S.R. Umesh failed, he used his influence through the Village Panchayat as some of his relatives were part of the administration in the Village Panchayat. Petitioners contend that the Village Panchayath heeding to the influence of Mr. S.R. Umesh passed a resolution to request the State Government to acquire land for the purpose of enabling Mr. S.R. Umesh to reach his land. The petitioners therefore contend that this is a clear case of colourable exercise of power of eminent domain at the instance of a vested interest. They contend that a surveyor was asked to prepare a sketch and in



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the report prepared by the surveyor, it was shown that the land of the petitioners was sought to be acquired only for the purpose of formation of a road to enable Mr. S.R. Umesh to reach his land. The petitioners contend that the Tahsildar visited the proposed land and they submitted their objections contending that the proposed road is not for public purpose, but was for the purpose of Mr. S.R. Umesh and therefore, the Tahsildar was requested not to proceed further. The petitioners claim that the objections filed by them were not considered but the Deputy Commissioner directed the revenue officials to conduct a spot inspection and verify whether it is feasible to acquire the property of the petitioner. A revenue officer inspected the land of petitioners and recommended that the acquisition is for the benefit of only one person namely, Mr. S.R. Umesh and therefore, recommended to the higher officials to drop the acquisition. Petitioners claim that they also sought and requested the respondents to drop the acquisition, as it was at the instance of Mr. S.R. Umesh. Likewise, the Zilla Panchayath realized that the acquisition is not for a public purpose and therefore, directed respondent No.2 to collect the



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cost of acquisition from the concerned person for whose benefit the proposed land was acquired. They contend that the revenue officers including the Deputy Commissioner without looking into the objections and the purpose for which the land was acquired and without taking into consideration that what was sought to be acquired was a garden land, issued a notification under Section 4(1) of the Land Acquisition Act on 17.06.2013.

(iii) Being aggrieved by the said notification, the petitioners are before this Court.

3. Learned counsel for the petitioners submitted that the acquisition proposed was for a private purpose, that is to provide access to reach the property of a private individual and therefore, the respondent No.2 was not well advised to proceed with the acquisition of the land. He also contends that the respondents have not taken any action so far and hence, the notification has spent in itself and therefore, prays that the impugned notification be set at nought. Besides this, he contends that the land proposed to be acquired is a garden land, which belongs to the petitioners and the acquisition was at the instance of a private person, who had a vengeance



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against the petitioners. Therefore, the acquisition is not bonafide but is tainted and hence, the same is liable to be quashed.

4. The learned High Court Government Pleader submitted that as contended by the learned counsel for the petitioners, the acquisition was for the purpose of providing an access to Mr. S.R. Umesh to reach his property. She contends that though a preliminary notification was issued, no steps are taken to issue a final notification in view of a stay granted by this Court. She also contends that the acquisition has spent in itself.

5. An application is filed in I.A.No.1/2026 by some villagers who want to come on record. This Court had directed that the said application would be considered along with the main petition.

6. A perusal of the application would show that the applicants are residents of Siddanamath Village. They all claim that they are using the pathway for ingress and egress to reach their agricultural lands and that in view of obstruction caused to



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the existing access, they submitted a joint representation before the Village Panchayat requesting formation of a road by acquiring the required extent of land in Sy.Nos.82 and 93/1. They further contend that all the adjoining landowners and villagers of Siddanamath village had agreed to bear the cost of acquisition and that they had deposited the same before the concerned authorities. They contend that the acquisition is not to benefit only Mr. S. R. Umesh, but to the villagers in general and therefore, the acquisition was for the public purpose. With these and several similar contentions, they contend that they are interested in the outcome of this petition and desire to come on record.

7. I have considered the submissions of the learned counsel for the petitioners as well as the learned High Court Government Pleader for respondent Nos.1 to 4.

8. A perusal of the notification issued by the respondent No.2 under Section 4(1) of the Land Acquisition Act, 1894 would show that the respondent No.2 intended to form a road in the land belonging to the petitioner Nos.1 and 2 (now deceased) for public purposes. The photographs



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(Annexures 'F1' and 'F2') produced along with the writ petition would go to show that the petitioners have raised an areca nut garden in the land bearing Sy. Nos.82 and 93/1 of Siddhanamath village, Channagiri Taluk. The fact that the acquisition of the land was not for public purposes but was for the benefit of one single individual is evident from a report of the Village Accountant, Executive Officer and the Taluka Surveyor, where it is shown that the acquisition of the land in Sy. Nos.82 and 93/1 will benefit only one person and not the villagers in general. The petitioners have claimed that one Mr. S.R. Umesh / S.R. Umesh Rao was inimically ill-disposed towards them and that he had filed a suit in O.S No.260/2011 before the Principal Civil Judge and JMFC., Channagiri, against the petitioner No.2 herein (now deceased and represented by his legal representatives, namely, petitioner Nos.2(a) to 2(c)) seeking declaration of an easement by way of necessity and for permanent injunction in respect of the suit property. The said Mr. S.R. Umesh Rao had filed an application in I.A. No.1 under order XXXIX Rules 1 and 2 of the Code of Civil Procedure, 1908 seeking for an ad interim order of temporary injunction against



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the defendant therein restraining him from causing interference and obstruction for the movement of the plaintiff in the 'C.D. to E.F.' road mentioned therein. The Trial Court dismissed / rejected the said application filed by Mr. S.R. Umesh Rao in terms of the order dated 29.02.2012, which was confirmed by the Court of the Senior Civil Judge, Channagiri, in M.A. No.1/2012. Thus, the said Mr. S.R Umesh Rao was unsuccessful in obtaining an order of injunction either before the Trial Court or in the Appellate Court. It, therefore, appears that the proposed acquisition of the land in question by the respondent No.2 was not for public purposes but was for the purpose of providing access to the property of Mr. S.R. Umesh / S.R. Umesh Rao. As rightly contended by the learned counsel for the petitioners, the respondent No.2 could not have used the power of eminent domain in notifying the land belonging to the now deceased petitioner Nos.1 and 2 for the use of a private individual. Therefore, the proposal to acquire the land belonging to the petitioners by the respondent No.2 is fraudulent and tainted with illegality and is therefore, liable to be quashed. Besides this, no steps are taken by the respondent



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No.2 till date for issuing a final notification in respect of the lands in question. Therefore, it would not be wise to keep this petition pending as no useful purpose would be served. Yet another fact that has to be taken note of, is that there is no mention as to who all would have benefitted if at all a road was formed through the lands of the petitioners. Therefore, the application filed by the applicants in I.A No.1/2026 is clearly an afterthought and evidently at the instance of Mr. S.R.Umesh. Therefore, as rightly contended by the learned counsel for the petitioners, the proposed acquisition of the land in question is not genuine and *bona fide* but is tainted with bias and prejudice. Therefore, the impugned notification is liable to be set at nought. Consequently, the following Order is passed:

ORDER

The Petition is ***allowed***. The impugned preliminary notification bearing No.LAQ.CR 46/2012-13 dated 17.06.2013 in respect of the land measuring 03 guntas in Sy. No.93/1 of Siddanamatha Village, Santhebennur-1 hobli, Channagiri Taluk, owned by the petitioner No.1



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(now deceased and represented by his legal representative, namely, petitioner No.1(a)) and 13.08 guntas of land in Sy. No.82 of the said village, owned by the petitioner No.2 (now deceased and represented by his legal representatives, namely, petitioner Nos.2(a) to 2(c)), is quashed.

Consequently, I.A No.1/2026 also stands dismissed.

**Sd/-
(R. NATARAJ)
JUDGE**

PMR - para 1 to 7
SMA - from para No.8 till the end
LIST NO.: 1 SL NO.: 43