



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE S SUNIL DUTT YADAV

WRIT PETITION NO. 11054 OF 2020 (BDA)

BETWEEN:

M. KRISHNAPPA,
AGE 76 YEARS,
S/O LATE MUNIVEERAPPA,
RESIDING AT SY NO.49,
DUBASIPALYA, R V COLLEGE POST,
MYSORE ROAD,
BENGALURU - 560 059.

...PETITIONER

(BY SRI. SHARATH S GOWDA, ADVOCATE)

AND:

THE COMMISSIONER,
BANGALORE DEVELOPMENT AUTHORITY,
PITILU CHOWDAIAH ROAD,
KUMARA PARK WEST,
BENGALURU - 560 020.

...RESPONDENT

(BY SRI.K.KRISHNA AND SRI.VASANTHA, ADVOCATES)

THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF
THE CONSTITUTION OF INDIA PRYING TO QUASH THE
PRELIMINARY NOTIFICATION DATED 19.1.1989 ISSUED BY
BDA BANGALORE PUBLISHED IN THE GAZETTE DATED

Digitally
signed by
VIJAYA P
Location:
HIGH
COURT OF
KARNATAKA



19.1.1989 AND ON 02/02/1989 PRODUCED AS ANNEXURE-A
AND ETC.,

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

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

ORAL ORDER

Learned counsel appearing for the petitioner files a memo
seeking withdrawal of the petition. The memo so filed reads as
follows:

"MEMO FOR WITHDRAWAL

The petitioners respectfully submit as under:

1. The Original Writ Petitioner M. Krishnappa had
filed the above Writ Petition seeking for quashing of
Preliminary notification dated 19.01. 1989 issued in
notification No bearing "Jananabharathi.
BDA/ALAO/A3/139/88-89, for formation of Layout", in
respect land in Sy No. 46/3 of Valagerahally Village,
Kengeri, Hobli, Bengaluru south Taluk, measuring to an
extent of 6 Acres 9 Guntas.

2. The Petitioners submit that in respect of the
said Preliminary notification, a Final notification was
issued on 19.01.1984 However, the said final
notification dated 19.01.1994 came to be quashed by



this Hon'ble Court in W.P No.23397/1996, 34987/1997 and other connected petitions, on the count that there was no prior approval of the scheme, reserving liberty to pass final notification on obtaining such approval and subsequently once again Final notification was issued under Section 19(1) on 06.10.1997. Even the said final notification dated 06.10.1997 was quashed by this Hon'ble Court vide order dated 31.08.1998 in WP No.34986/1997. The Writ appeal filed by the BDA as against the said judgment also came to be dismissed vide order dated 31.08.1998 in Writ Appeal No.4951/1998. Thereafter, the BDA issued one more final notification. However, in this final notification dated 07.10.1999 the land bearing Sy No.46/3 was excluded. Therefore, in essence there is no final notification at all in respect of Sy No.46/3.

3. Be that as it may the BDA have utilized the land belonging to the Petitioners in Sy No.46/3 and the legal representative of the original writ petitioner are now before the BDA, seeking for alternative equivalent land as their land has been utilized without there being any final notification, which virtually amounts utilization of land without resorting to acquisition proceedings.

4. In that light of the matter, the legal representatives of the original Writ petitioner who have now come on record does not wish to pursue this writ petition, pending their representation before BDA for allotment of equivalent alternative land in lieu of



utilization of their land measuring 6 Acer 9 guntas in Sy No.46/3 without resorting to acquisition proceedings.

Only in the event of BDA refusing to allot alternative equivalent the Petitioners wish to come back to this Hon'ble Courts appropriate relief. In that view of the matter the Petitioners who have now come on record on behalf of the original writ petitioner, wish to pursue this petition and this writ petition may be dismissed as withdrawn in the interest of justice and equity.

In light of above, the petition is ***dismissed as withdrawn*** in terms of the memo.

All contentions made out in the memo are kept open.

Sd/-
(S SUNIL DUTT YADAV)
JUDGE