



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF JUNE, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MR. JUSTICE T.M.NADAF

WRIT APPEAL NO. 640 OF 2024 (LA-KIADB)

BETWEEN:

1. PREMKALA PRABHAKARA REDDY
W/O MR M PRABHAKARA REDDY
AGED ABOUT 73 YEARS
R/A NO.3783, 13TH B MAIN,
HAL II STAGE, INDIRANAGAR,
BANGALORE-560008
SENIOR CITIZEN BENEFIT NOT CLAIMED

...APPELLANT

(BY SRI. ROHAN VEERANNA TIGADI., ADVOCATE)

AND:

1. STATE OF KARNATAKA
DEPARTMENT OF INDUSTRIES AND COMMERCE
INDUSTRIAL DEVELOPMENT
M S BUILDING,
DR B R AMBEDKAR ROAD
BENGALURU-560001
REPRESENTED BY ITS SECRETARY
2. KARNATAKA INDUSTRIAL AREAS
DEVELOPMENT BOARD
NO.14/3, 2ND FLOOR,
R P BUILDING,
NRUPATHUNGA ROAD
BENGALURU-560001
REPRESENTED BY ITS

Digitally
signed by
VASANTHA
KUMARY B K
Location:
HIGH
COURT OF
KARNATAKA



CHIEF EXECUTIVE OFFICER AND
EXECUTIVE MEMBER

3. THE SPECIAL LAND ACQUISITION OFFICER
KARNATAKA INDUSTRIAL AREAS
DEVELOPMENT BOARD
14/3, 2ND FLOOR, R P BUILDING,
NRUPATHUNGA ROAD
BANGALORE-560001
4. BENGALURU WATER SUPPLY
AND SEWERAGE BOARD
CAUVERY BHAVAN
BENGALURU-560001
REPRESENTED BY ITS CHAIRMAN

...RESPONDENTS

(BY SRI. B.RAVINDRANATH, AGA FOR R1;
SRI. H.L. PRADEEP KUMAR, ADVOCATE FOR R2 & R3;
SRI. K.B. MONESH KUMAR, ADVOCATE FOR R4)

THIS WRIT APPEAL IS FILED U/S 4 OF THE KARNATAKA
HIGH COURT ACT PRAYING TO SET ASIDE THE IMPUGNED
JUDGMENT DATED 02/04/204 IN WP NO.4171/2024 AND
CONSEQUENTLY ALLOW THE WRIT PETITION AS PRAYED FOR,
ETC.

THIS APPEAL, COMING ON FOR ORDERS, THIS DAY,
JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE D K SINGH
and
HON'BLE MR. JUSTICE T.M.NADAF



ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE D K SINGH)

The present proceedings are nothing but a gross abuse of the process of the Court and law by the appellant, who is the subsequent purchaser from the landowners after the final notification was issued.

2. The present appeal has been filed impugning the judgment and order dated 02.04.2024 passed by the writ Court in W.P.No.4171/2024 filed by the appellant.

3. The parties are referred to as per their ranking before the writ Court for the sake of convenience

4. The facts leading to the filing of the present appeal are briefly stated as under :-

The State Government had a Preliminary Notification dated 06.02.2006 under Section 28(1) of the Karnataka Industrial Areas Development Act, 1966 (hereinafter referred to as '**the KIAD Act**'), for acquiring 35.06 acres of land for establishment of Sewage Treatment Plant, which would include the lands of the predecessor in interest of the petitioner i.e. 16



acres and 4.25 guntas in Survey Nos.368, 372/2, 373, 374/1, 375/2, 375/3, 375/4, 375/5, 375/6, 376, 377/1, 377/8, 393, 394/1, 394/2A, 394/2B, 396, 397/1, 398 and 393 situated at Amani Belandur Khane Village, Varathur Hobli, Bengaluru East Taluk, (hereinafter referred as '**the lands in question**'). The said preliminary notification was followed by declaration and final notification under Section 28(4) of the KIAD Act dated 17.12.2007, which was published in the Official Gazette on 18.12.2007. The final notification was issued after due compliance of Sections 28(2) and 28(3) of the KIAD Act. The petitioner has purchased some of the lands before the final notification and some of the lands after the final notification. The details of the lands purchased by the petitioner from the original owners by altogether 34 sale deeds are extracted hereunder:-

Sl.No.	Sy.No.	Extent Acr. Gun.	Sale Deed Regn. No.	Sale Deed dated
1	368	1-13	4021/2007-08	02.11.2007
2	368	0-6.25	6208/2007-08	04.03.2008
3	372/2	0-34	3631/2007-08	18.09.2007
4	373	0-17	3203/2007-08	18.09.2007
5	374/1	0-36	4299/2007-08	20.11.2007
6	375/2	0-30	3642/2007-08	10.09.2007
7	375/3	0-10	3653/2007-08	17.09.2007
8	375/3	0-6	3652/2007-08	10.09.2007
9	375/3	0-10	5225/2007-08	10.09.2007
10	375/4	0-9	5225/2007-08	10.09.2007
11	375/5	0-27	4023/2007-08	19.09.2007



12	375/6	0-29	3204/2007-08	17.09.2007
13	376	0-18	5225/2007-08	10.09.2007
14	376	0-16	5297/2007-08	17.01.2008
15	377/1	0-18.5	3640/2007-08	13.09.2007
16	377/1	0-18.5	3641/2007-08	13.09.2007
17	377/8	0-1.5	4551/2007-08	03.12.2007
18	377/8	0-8	4300/2007-08	20.11.2007
19	377/8	0-4.5	5400/2007-08	22.11.2007
20	377/8	0-8	6209/2007-08	04.03.2008
21	394/1	0-34	3642/2007-08	10.09.2007
22	394/2A	0-19.5	3821/2007-08	09.08.2007
23	394/2A	0-6.5	4022/2007-08	24.10.2007
24	394/2B	0-12	4550/2007-08	27.10.2007
25	394/2B	0-12	5225/2007-08	10.09.2007
26	396	9-10	5225/2007-08	10.09.2007
27	396	0-2	5230/2007-08	10.09.2007
28	396	0-15	5292/2007-08	17.01.2008
29	396	0-20	5362/2007-08	24.10.2007
30	396	0-8	5361/2007-08	25.10.2007
31	397/1	0-21	3642/2007-08	10.09.2007
32	397/1	0-21	5227/2007-08	03.12.2007
33	398	1-4	3655/2007-08	13.09.2007
34	393	0.21	1766/2007-08	06.12.2007

5. The general award in respect of the lands in question was passed on 11.12.2008 for an amount of Rs.32 crores. The original owners, after alienating the lands in favour of the petitioner had filed W.P.Nos.6326-6343/2009 c/w Writ Petition No.5650/2008. On the basis of the pleadings and submissions, the writ Court framed the following points for consideration in the said writ petitions:-

"i) Whether the establishment of sewerage treatment plant is an industry as defined under Section 2 of KIAD Act?



- ii) Whether there is deviation in the purpose of acquiring the lands in question from preliminary notification under Section 28(1) and final notification under Section 29(4) of KIAD Act?*
- iii) Whether the acquisition proceedings are in contravention of zoning regulations in revised CDP 2015?*
- iv) Whether the inspection report dated 2.2.2007 by the officials of respondents will nullify the acquisition proceedings?"*

6. Vide elaborate judgment dated 29.07.2011 passed in the aforesaid writ petitions filed by the original owners, the writ Court held that the Sewage Treatment Plant was an industry and there was no deviation from the preliminary and final notifications issued for acquisition, including the lands in question. All the issues were decided against the petitioners therein and the said writ petitions came to be dismissed.

7. The judgment of the writ Court was the subject matter of W.A.No.16513/2011 and other connected writ appeals. The Division Bench of this Court, vide judgment and order dated 16.04.2013, dismissed the writ appeals and affirmed the judgment passed by the writ Court. However, the landowners



did not stop at the High Court. They challenged the land acquisition proceedings before the Supreme Court in Special Leave to Appeal (C) Nos.26299-26304/2013 and the Supreme Court dismissed these SLPs *in limine*.

8. After the dismissal of the SLPs *in limine*, the petitioner, who was the subsequent purchaser, filed Review Petition Nos.1401/2014 and 121/2015 seeking review of the judgment and order dated 16.04.2013 passed in W.A.Nos.16026-16207/2011 by the Division Bench of this Court. Review petition Nos.1401/2014 and 121/2015 also came to be dismissed vide order dated 16.04.2015. Against the said order of dismissal of the review petitions, the petitioner who was the subsequent purchaser, approached the Supreme Court by filing Special Leave to Appeal (CC) No.20568/2015 and after some arguments, he withdrew the said SLP

9. After dismissal of the review petitions and the SLP, the petitioners and another again took a chance before this Court by filing W.P.No.23812/2016 and W.P.Nos.32798-32816/2016. The said writ petitions were dismissed vide elaborate judgment passed by the Writ Court on 07.03.2019. It would be relevant



to take note of paragraph Nos.33, 34 and 35 of the said judgment passed by the writ Court, which would read as under:-

"33. On the issuance of preliminary and final notifications under Section 28(1) and 28(4) respectively of the KIAD Act on 06.02.2006 and 18.12.2007, W.P.No.5650/2008 was filed before this Court on 02.04.2008 assailing the said notifications. A learned single Judge of this Court granted an interim order of stay of dispossession and ultimately the writ petition was dismissed on 29.07.2011. Being aggrieved the petitioners wherein the preferred W.A.Nos.16026-16027/2011 Division Bench granted an interim order of status quo in respect of lands in question. Ultimately, the writ appeals were dismissed on 16.04.2017. Special Leave Petition Nos.26738-26739/2019 were preferred before the Hon'ble Supreme Court wherein an interim order of status quo was granted and those matters were also dismissed on 12.11.2014. R.P.No.1401/2014 was filed before this Court and on dismissal of the same on 16.04.2015 S.L.P.No.20568/2015 was filed before the Hon'ble Supreme Court and it was withdrawn on 16/12/2015 and thereafter these writ petitions have been filed. Even in these writ petitions status quo order was granted on 24.06.2016 and the same has been extended till date.

34. The aforesaid facts would make it apparent that on account of the interim orders granted by this Court and the orders of status quo granted by the Hon'ble Supreme



Court till the dismissal of S.L.P.No.20568/2015 on 16.12.2015, there was no way in which respondent Nos.2 and 3 could have passed any award in respect of the lands in question.

35. Therefore, the petitioners now cannot take advantage of the fact that they being themselves responsible for non-passing of the awards in the instant case, to now contend that the resultant delay must lead to a declaration being granted by this Court to the effect that there has been in lapse in acquisition. In the circumstances, it is held that the petitioners are not entitled to any such declaration as sought for by them. In the result, the writ petitions are dismissed, however, without any order as to costs.

It is held that the acquisition of lands in question, which have been upheld by this Court as well as the Hon'ble Supreme Court is reiterated."

10. From a reading of the aforesaid paragraphs, it is evident that the petitioners, in the said writ petitions obtained the interim order and therefore, the award notice could not be issued to them. Their contention that the land acquisition proceedings got lapsed, was rejected comprehensively and the writ petitions came to be dismissed. Challenging the said judgment and order dated 07.03.2019 passed by the writ Court, they filed W.A.No.3897/2019. The Division Bench again



considered all the aspects and vide elaborate judgment and order dated 23.04.2021 dismissed the appeal with costs of Rs.1,00,000/- each on the petitioners. Paragraph Nos.15 and 16 of the said judgment are extracted hereunder:-

"15. In our considered opinion, in view of the judgment of the Apex Court in Shiv Kumar's case (supra), the petitioners being the purchasers of the notified lands subsequent to the preliminary notification, have no locus to maintain the writ appeal, and even on merits, having regard to the fact that in view of the interim orders passed in the earlier round of litigation, the award in respect of the acquired lands could not be passed, the petitioners are not entitled for the relief sought for in the writ petition, and therefore, the learned Single Judge was fully justified in dismissing the petition and we find no good grounds to interfere with the said order passed by the learned Single Judge.

16. The petitioners who have purchased the lands which were subject matter of the acquisition after the publication of the preliminary and final notification, have immediately thereafter challenged the acquisition notifications and they were unsuccessful in their said attempt throughout and even the Hon'ble Supreme Court had dismissed their special leave petition. The interim orders passed at various stages during the pendency of the said proceedings had come in the way of the authorities passing an award. In spite of the petitioners



having lost in their attempt to challenge the acquisition proceedings, thereafter the petitioners have again initiated fresh round of litigation. In our considered opinion, the present proceedings initiated by the petitioners is nothing but abuse of the process of law and to put an end to such litigations, it has to be dealt with iron hands, and therefore, we impose cost of Rs.1,00,000/- each on the petitioners and the said cost shall be deposited to the Chief Minister's Covid-19 Relief Fund within four weeks from the date of this order, failing which, the jurisdictional Deputy Commissioner shall take necessary steps to recover the same as arrears of land revenue."

11. Against the said judgment passed by the Division Bench, the petitioner and another approached the Supreme Court by filing SLP No.16055/2021, in which notice came to be issued on 26.07.2022. When the matter was pending before the Supreme Court, the petitioner, who was the subsequent purchaser, again filed the Writ Petition No.4171/2024 before this Court praying to quash the notice dated 07.12.2023 issued by the Special Land Acquisition Officer under Sections 9 and 10 of the Land Acquisition Act, 1894, on the ground that the landowners had already alienated the property way back in the years 2007 and 2008 and they do not have any right or interest to claim the



compensation. The said writ petition has been dismissed by the learned Single Judge vide order dated 02/04/2024 with the following observations:-

"5. It is not in dispute that the petitioners had challenged the acquisition in W.P. Nos.6326-6343/2009 and connected matters, and in said Writ Petitions, it was observed as follows –

"By following the procedure the lands in question are acquired, possession has been taken over and the same is handed over to the Water Supply Board on 6.3.2008. The Deputy Commissioner in his meeting held on 11.12.2008 fixed the compensation at Rs.35,00,000/- per acre and other incentives and the same is deposited."

6. It is, therefore, clear that way back in the year 2009, the petitioners were informed by the KIADB that they had taken over possession and have also handed over the same to the Board on 06.03.2008.

7. In the second round of litigation in W.P. No.23812/2016 and connected matter, wherein the petitioners challenged the acquisition on the ground that it had lapsed by virtue of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, the petitioners themselves averred as follows –



"Petitioners have further averred that they are in physical possession of the land as no notice under Section 28(6) of the KIAD Act has been issued to them and only Public Notice dated 14.01.2008 was allegedly issued which is wholly illegal and without authority of law, that no mahazar has been prepared in respect of the lands in question to substantiate the fact that possession has been taken and there are no documents to support the same. According to the petitioners, in the absence of any award being passed, they are constrained to seek a declaration that the proceedings have lapsed and therefore, these writ petitions have been filed."

8. *It is thus clear from these two observations made in the first round of litigation as well as in the second round of litigation that the petitioner was put on notice that physical possession of the land was taken over. In fact, in the second round of litigation, the public notice dated 14.01.2008 was averred by the petitioner himself.*

9. *In the light of the fact that the petitioner was aware of the fact that possession was alleged to have been taken over under public notice dated 14.01.2008 and he did not choose to putforth any plea in the Writ Petitions which were pending in which challenges had been made to the acquisition and had chosen to approach this Court only in the year 2024 challenging the consequential issuance of the award notices and possession Certificate*



cannot be entertained on account of inordinate delay and laches.

10. *In my view, there is no justification to entertain the Writ Petition at this belated stage. Writ Petition is, therefore, **dismissed.**"*

12. The said order passed by the learned Single Judge is under challenge in the present appeal. When questioned the learned counsel for the appellant as to whether the subsequent purchaser, after the preliminary notification and the final notification, would be entitled to challenge the land acquisition proceedings, he fairly admits that the subsequent purchaser does not have any right to challenge the land acquisition proceedings if he has purchased the land after the preliminary notification in view of the settled position of law.

13. Our second question to the learned counsel for the appellant is as to when the challenge to the land acquisition proceedings by the original owners failed up to the Supreme Court and the review petitions and SLPs filed by the subsequent purchaser also got dismissed, whether second and third round of litigation by the subsequent purchaser would be maintainable in law? The learned counsel for the appellant



submits that what the petitioner has challenged in the present proceedings is the notice issued under Sections 9 and 10 of the Land Acquisition Act and this has given a fresh cause of action for her to challenge the same.

14. We find the said submission preposterous, to say the least. The petitioner has grossly abused the process of the Court and law. This is the fourth round of litigation by the petitioner before this Court and therefore, we ***dismiss*** this appeal with costs of Rs.5,00,000/- to be deposited by the appellant in the Armed Forces Battle Casualties Welfare Fund to the Canara Bank Account No.90552010165915 or State Bank of India Account No.40650628094, within period of 4 weeks from today, failing which, the Deputy Commissioner is directed to initiate the appropriate proceedings under the Land Revenue Act as the costs imposed be treated as arrears of land revenue.

15. We have extracted the earlier proceedings only for the purpose to show how the Court proceedings and law can be misused by a person who has no right, title and interest to challenge the land acquisition proceedings.



13. This exemplary costs, therefore, is quite necessary in the facts and circumstances of the case. The authorities are entitled to take all steps available under the law to get the appellant evicted forcefully, if she is still in occupation and possession of the lands in question. The authorities may also take appropriate proceedings by lodging FIR against the appellant for trespassing Government land after the final notification was issued inasmuch as the subsequent purchaser does not have any right, title and interest to be in the possession of the lands in question.

**SD/-
(D K SINGH)
JUDGE**

**SD/-
(T.M.NADAF)
JUDGE**