

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST DAY OF APRIL, 2026

PRESENT

THE HON'BLE MRS. JUSTICE ANU SIVARAMAN

AND

THE HON'BLE MS. JUSTICE TARA VITASTA GANJU

REVIEW PETITION NO.182 OF 2025

BETWEEN:

SMT. MADHU BAI
D/O LATE VENKATA RAO,
(SINCE DEAD,
REPRESENTED BY LRS.,)

1 . SRI. KRISHNA
S/O NANJUNDA RAO,
AGED ABOUT 50 YEARS,

2 . SMT. C.V.SUSHEELA,
D/O LATE MANOJ RAO,
AGED ABOUT 83 YEARS,

SRI. C.V. VENKOBA RAO
S/O LATE VENKATA RAO
(SINCE DEAD,
REPRESENTED BY LRS.,)

3 . SMT. GEETHA BAI
W/O LATE C.V.VENKOBA RAO,
AGED ABOUT 71 YEARS,

4 . SRI. NATARAJ V.,
S/O LATE C.V. VENKOBA RAO,
AGED ABOUT 52 YEARS,

5 . SRI. ANANDA RAO,
S/O LATE C.V.VENKOBA RAO,
AGED ABOUT 46 YEARS,

6 . SRI. PRADEEP SWAMI V,
S/O LATE C.V.VENKOBA RAO,
AGED ABOUT 48 YEARS,

7 . SRI. SHIVAJI RAO,
S/O LATE C.V.VENKOBA RAO,
AGED ABOUT 44 YEARS,

8 . SMT. BHAGYASHREE,
D/O LATE C.V.VENKOBA RAO,
AGED ABOUT 43 YEARS,

PETITIONERS NO.1 TO 8 ARE
RESIDING AT DOOR NO.45,
BESIDES GAVIPURAM RAM MANDIR,
HANUMANTHA NAGAR,
BENGALURU GAVIPURA-560 019.

9 . SMT. YASHODA BAI,
D/O LATE SRINIVASA RAO,
AGED ABOUT 71 YEARS,

10 . SMT. C.V.SHANTHA BAI,
W/O SRI. KRISHNOJI RAO
AGED ABOUT 66 YEARS,

11 . SRI. C.V.NARAYANA RAO,
S/O LATE VENKATA RAO,
AGED ABOUT 72 YEARS,

12 . SRI. C.V. KRISHNOJI RAO,
S/O LATE VENKATA RAO,
AGED ABOUT 73 YEARS,

13 . SMT. C.V.RATHNA BAI,
W/O SRI. RAMADEV RAO,
AGED ABOUT 66 YEARS,

14 . SMT. BHAVANI BAI @ LAKSHMI BAI,
W/O SRI. NEELAKANTA RAO,
AGED ABOUT 63 YEARS,

15 . SRI. C.V.GOVINDA RAO
S/O LATE VENKATA RAO,
AGED ABOUT 63 YEARS,

PETITIONERS NO.9 TO 15 ARE
RESIDING AT CHIKKABALU VILLAGE,
CHILUR POST, HAROHALLI HOBLI,
KANAKAPURA TALUK,
RAMANAGARA

PETITIONERS NO.1, 2, 7, 8, 9, 10, 11, 12, 13, 14
ARE REPRESENTED BY THEIR GENERAL POWER OF
ATTORNEY HOLDER
SRI. VENKATA RAO S,
S/O. LATE SRINIVASA RAO,
AGED ABOUT 45 YEARS,
"SRI ANNAPOONESHWARI MANSION"
NO.2, ITI LAYOUT,
KATHRIGUPPE MAIN, BANASHANKARI ROAD,
3RD STAGE, BANGALORE - 560 085.

...PETITIONERS

(BY SRI. GOWTHAM BHARADWAJ, ADV., FOR
SRI. BALAKRISHNA M.R., ADV.,)

AND:

- 1 . THE CHIEF COMMISSIONER
BHRUHATH BANGALORE MAHANAGARA PALIKE,
N.R.SQUARE, HUDSON CIRCLE,
BENGALURU-560 002
- 2 . THE BANGALORE DEVELOPMENT AUTHORITY,
KUMARA PARK WEST,
BENGALURU-560 020
- 3 . THE SECRETARY,
HOUSING AND URBAN DEVELOPMENT DEPARTMENT,

M.S.BUILDING,
K.R.CIRCLE,
BENGALURU 560 001.

- 4 . SRI. C.V.RAMA RAO,
S/O LATE VENKATA RAO,
AGED ABOUT 72 YEARS,
NO.45, BESIDES GAVIPURAM RAM MANDIR,
GAVIPURA, HANUMANTHA NAGAR,
BENGALURU - 560 019

...RESPONDENTS

THIS REVIEW PETITION IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA, R/W SECTION 114 AND ORDER 47 RULE 1 OF THE CPC, 1908 R/W RULE 5 OF THE HIGH COURT OF KARNATAKA RULES, 1959 PRAYING TO REVIEW THE JUDGEMENT AND FINAL ORDER DATED 26.11.2024 PASSED BY THIS COURT IN WRIT APPEAL NO.1194 OF 2022 (LA-BDA) C/W. WRIT APPEAL NO.978 OF 2022 (LA-BDA).

THIS REVIEW PETITION HAVING BEEN HEARD AND RESERVED FOR JUDGMENT ON 18.03.2026 AND COMING ON FOR PRONOUNCEMENT OF JUDGMENT THIS DAY, **ANU SIVARAMAN J.**, PRONOUNCED THE FOLLOWING:

CORAM: HON'BLE MRS. JUSTICE ANU SIVARAMAN
and
HON'BLE MS. JUSTICE TARA VITASTA GANJU

CAV JUDGMENT**(PER: HON'BLE MRS. JUSTICE ANU SIVARAMAN)**

This review petition is filed seeking a review of the judgment dated 26.11.2024 passed in W.A.No.1194/2022 (LA-BDA), which was disposed of by way of a common judgment, connected along with W.A.No.978/2022 (LA-BDA).

2. We have heard Shri. Gowtham Bharadwaj, the learned counsel appearing for the review petitioners.

3. It is submitted that the review petitioner's father Late Shri. Venkata Rao, owned lands measuring 3 acres and 10 guntas in Survey No.32/1, 1 acre and 20 guntas in Survey No.32/2, totally measuring 4 acres and 30 guntas situated in Gavipura Village, Bengaluru. It is submitted that Shri. Venkata Rao had formed a private layout in the larger extent of the subject property and sold various extents of land in Survey No.32/1 and 32/2 to various third parties. It is submitted that the property which was leftover and was in the possession of Shri. Venkata Rao was the subject matter

of the present litigation. It is contended that the said property measuring 115 x 140 square feet registered as Corporation No.1 (New No.5), 1st cross, 2nd block, Banashankari 1st Stage, Bengaluru, is situated in Survey No.32/1 and 32/2. It is contended that on 27.11.1959, a Preliminary Notification was issued seeking to acquire property to form a residential layout. The properties belonging to Late Shri. Venkata Rao in Survey No.32/1 and 32/2 were also part of the acquisition proceedings. Shri. Venkata Rao had filed Writ Petition No.399/1965, challenging the acquisition. On an application made by a Private Layout Association, the lands in Survey No.7, 8, 9, 11, 22, 23, 24, 27, 33 to 41 etc. of Gavipura Village were dropped from acquisition by an Order dated 18.07.1962. The Writ Petition No.399/1965, which was filed by Shri. Venkata Rao was disposed of recording that the dropping of the lands had been accepted by the writ petitioners. It is submitted that thereafter, Shri. Venkata Rao made an application dated 12.04.1964 to drop the lands in Survey No.32/1 and 32/2 from the Final Notification. However, a

Final Notification was issued on 22.04.1964 for formation of a residential layout (Southern side of Mount Joy) wherein, the lands in Survey No.32/1 and 32/2 were also included.

4. It is contended by the learned counsel appearing for the review petitioner that except certain portion of land in Survey No.32/1 and 32/2, all other lands covered under the Notification have been dropped from the acquisition. Thereafter, on 03.06.1964 notice under Sections 9 and 10 of the Land Acquisition Act, 1894 was issued to persons having interest in Survey No.32/1 and 32/2. The application filed by the petitioner for re-conveyance of the property was said to be still pending at the relevant time. Thereafter, the legal representatives of Shri. Venkata Rao filed W.P.No.60065/2016 (LA-BDA), contending that the acquisition had been dropped in respect of their properties and that possession had not been taken by the respondents herein. The learned Single Judge by Order dated 06.02.2020 held that the acquisition had been dropped in respect of the petitioner's properties and that possession had never been

taken. The writ petition was allowed and the acquisition was set aside.

5. The Bangalore Development Authority (BDA) as well as the Bruhat Bengaluru Mahanagara Palike (BBMP) filed appeals against the Order, pointing out that the acquisition was never dropped in respect of Survey No.32/1 and 32/2 of Gavipura Village and that the writ petition filed almost half a century after the acquisition had become complete and the land had vested was hopelessly belated. This Court considered the appeal and found that the property in question was the subject matter of an acquisition, which commenced in the year 1959, Awards were passed in 1964 and possession was taken on 14.06.1967. It was further found that the father of the petitioners had challenged the acquisition, but had withdrawn the challenge against the acquisition. Further, the landowners had raised a claim for re-conveyance of the property in W.P.No.45314/2011 and W.Ps.No.46661 to 46670/2011 (BDA), which were dismissed by the learned Single Judge. W.As.No.2633 to 2643/2012 (BDA) was also

dismissed finding that the claim for re-conveyance was not justified. It was specifically found by this Court that the resolution adopted by the City Improvement Trust Board (CITB) on 18.07.1962 did not mention the land in Survey No.32 and that the resolution also specifically excluded civic community sites. The appeals were therefore allowed. The order passed by the learned Single Judge was set aside and the writ petitions were dismissed.

6. The learned counsel appearing for the review petitioners would contend that this Court in Writ Appeal No.1194/2024 c/w. Writ Appeal No.978/2022 at paragraph No.21 of the Judgment observes that the earlier round of challenge by the petitioner's father was by filing W.P.No.554/1965. It is contended that the correct number of the writ petition filed by Shri. Venkata Rao challenging the acquisition was W.P.No.399/1965. Further, it is contended that the Encumbrance Certificate in respect of lands in Survey No.32/1 and 32/2 were clubbed together and several transactions had occurred where smaller sites had been sold to third parties. Further, it is contended that an undertaking

was given before this Court that the lands in Survey No.32/1 and 32/2 would be re-conveyed which prompted Shri. Venkata Rao to withdraw Writ Petition No.399/1965. However, Awards dated 08.05.1967 bearing LAC No.309/64-65 in relation to Survey No.32/1 and LAC No.310/64-65 in relation to Survey No.32/2 was passed. However, land owners' request for reconveyance and the undertaking to reconvey the property were suppressed. Thereafter, an alleged Mahazar was drawn up on 14.06.1967.

7. It is contended that the withdrawal of the writ petition by Shri. Venkata Rao was on the specific understanding that the acquisition would not be proceeded with. It is further contended that the successors-in-interest of Shri. Venkata Rao, remained in possession of the properties and it was only when the promise of reconveyance did not fructify that they had approached this Court and the writ petition was allowed. It is therefore contended that the findings of the Division Bench in the judgment and the dismissal of the writ petition, setting aside the Order of the learned Single Judge are not proper.

8. The learned counsel appearing for the review petitioner has relied on the following decisions:-

- ***Lt. Col. Suprita Chandel v. Union of India & Ors.***, by Order dated **09.12.2024** passed in **Civil Appeal No.1943 of 2022**, and
- ***Mrs. Sharmila Bhaktaram and Another v. State of Karnataka and Others*** passed in **Writ Petition No.16753/2024 (LA-BDA)** by order dated **28.10.2024**.

It is contended that since the benefit of exemption from acquisition was granted to all similarly situated persons, the review petitioners could not have been treated differently.

9. We have considered the contentions advanced. We notice that the contentions raised in the review petition are specifically those that were addressed before this Court in the writ appeal. It was the specific contention of the appellant in the writ appeal that there was a solemn undertaking given before the learned Single Judge that the properties of the review petitioners would also be exempted from the acquisition. However, we notice that the Resolution dated 18.07.1962 did not refer to any property in Survey No.32/1 or 32/2 as being exempted from the acquisition.

Further, the said Resolution specifically provided that no civic amenity site would be included in the exemption.

10. Though the learned counsel appearing for the review petitioner seeks to place reliance on a memo filed by the petitioners in W.P.No.287/1965 and connected cases, the said memo also refers to the willingness of the respondent No.2 - Board to implement the Resolution dated 18.07.1962. Since the Resolution dated 18.07.1962 specifically did not contain any reference to Survey No.32/1 or 32/2 of Gavipura Village, we are of the opinion that there is no error apparent in the judgment passed in the writ appeal which justifies a review. The observation made in paragraph No.23 of the impugned judgment that Writ Petition No.554/1965 was withdrawn by the writ petitioners including the petitioner's father, cannot make any difference to the situation since the petitioner's father Shri. Venkata Rao had admittedly withdrawn W.P.No.399/1965 filed by him along with other petitioners accepting the resolution dated 18.07.1962.

11. Having considered the contentions advanced and the materials placed on record, we find no grounds raised to review the judgment. The review petition accordingly fails and the same is ***dismissed.***

**Sd/-
(ANU SIVARAMAN)
JUDGE**

**Sd/-
(TARA VITASTA GANJU)
JUDGE**

cp*