



CNR: KAHC010292852016

NC: 2026:KHC:54600
WP No. 26863 of 2016

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE R. NATARAJ

WRIT PETITION NO. 26863 OF 2016 (LA-BDA)

BETWEEN:

SMT. PRABAVATHI C.
D/O LATE CHIKKAVEERABADRA SHETTY
AGED ABOUT 44 YEARS
R/AT NO.132, 1ST MAIN, 4TH CROSS
KANAKA LAYOUT,
NEAR PRATHANA SCHOOL,
BANGALORE-560 070

...PETITIONER

(BY SRI. N. SRIRAM REDDY, ADVOCATE)

AND:

1. THE COMMISSIONER
BANGALORE DEVELOPMENT AUTHORITY
T. CHOWDAIAH ROAD
(BELLARY ROAD)
BANGALORE-560 020
2. THE SPECIAL LAND ACQUISITION OFFICER
BANGALORE DEVELOPMENT AUTHORITY
T.CHOWDAIAH ROAD
(BELLARY ROAD)
BANGALORE-560 020

...RESPONDENTS

(BY SRI. BASAVARAJA H.T., ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE PRELIMINARY NOTIFICATION NO.BDA/COMMR/DC(LA)/ALAO/158/2008-09 DATED 21.05.2008 ISSUED UNDER SECTION 17(1) AND 3 OF THE BDA ACT ISSUED BY THE RESPONDENT NO.1 AT

Digitally
signed by
HEMALATHA J
Location:
HIGH COURT
OF
KARNATAKA



NC: 2026:KHC:54600
WP No. 26863 of 2016

CNR: KAHC010292852016

ANNEXURE-A SO FAR THE PETITIONER CONCERNED THE LAND SITE BEARING NO.69, FORMED IN SY.NO.28 OF K. KRISHNA SAGARA, KENGERI HOBLI, BANGALORE SOUTH TALUK AND ETC.

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 petitioner has called in question a preliminary notification bearing No.BDA/COMMR/DC(LA)/ALAO/158/2008-09 dated 21.05.2008 issued by the respondent No.1 and the final notification bearing No.UDD/51/MNX/2010, Bangalore dated 18.02.2010 issued by the State Government for the purposes of formation of 'Nadaprabhu Kempegowda Layout' in respect of Site No.69 formed in Sy.No.28 of K. Krishna Sagara, Kengeri Hobli, Bengaluru South Taluk.

2. The petitioner contends that a layout of residential sites was formed in Sy.No.28 of K. Krishna Sagara and the sites formed therein were sold to various persons. Accordingly, the petitioner purchased Site No.69 in terms of a sale deed dated 22.10.1998 and her name was entered in the panchayat records. Petitioner claims that various survey numbers in K. Krishna Sagara Village including the land in Sy.No.28 was



notified for acquisition by the State Government for the purposes of formation of 'Nadaprabhu Kempegowda Layout' by the respondent No.1. Petitioner claims that she has purchased the said site prior to the preliminary notification and is in possession of the same. Therefore, she contends that the impugned notifications are liable to be set at nought in so far as the site belonging to her in Sy.No.28 of K. Krishna Sagara as the land was already developed much prior to the preliminary notification.

3. Learned counsel for the petitioner reiterated the above contentions.

4. The learned counsel for respondent Nos.1 and 2 submits that the acquisition for formation of 'Nadaprabhu Kempegowda Layout' was set aside by a Co-ordinate Bench of this Court in W.P.No.32186/2010 and connected petitions, which was thereafter challenged by the respondent No.1 in ***W.A.No.1783/2014 and connected appeals [Bangalore Development Authority and another vs. Sri. R. Shankaran and others - 2024 SCC OnLine Kar 27144]*** and that the Division Bench of this Court in terms of the judgment dated



**NC: 2026:KHC:54600
WP No. 26863 of 2016**

22.02.2024 allowed the appeals and upheld the acquisition and also granted reliefs to those site owners who had purchased sites prior to the preliminary notification. He therefore contends that this petition be also disposed off on similar lines.

5. I have considered the submissions of the learned counsel for the petitioner and learned counsel for respondent Nos.1 and 2.

6. It is not in dispute that the acquisition for formation of 'Nadaprabhu Kempegowda Layout' was set at nought by a Co-ordinate Bench of this Court in W.P.No.32186/2010 and connected petitions. This was thereafter challenged by respondent No.1 in W.A.No.1783/2014 and connected appeals, referred supra, where the Division Bench of this Court after upholding the notifications had granted relief to the owners of sites who had purchased them prior to the preliminary notification. The relevant operative portion of the aforesaid judgment passed by the Division Bench of this Court reads thus:-

"i) The above appeals filed by the BDA are allowed;



CNR: KAHC010292852016

NC: 2026:KHC:54600
WP No. 26863 of 2016

ii) The order dated 11.7.2014 passed by the learned Single Judge in WP No.32186/2010 and other connected writ petitions is set aside. The orders passed in writ petitions which are decided placing reliance on the order dated 11.7.2014 passed in WP No.32186/2010 and other connected writ petitions are also set aside;

iii) The preliminary notification bearing No.BDA/COMMR/DC(LA)/ALAO/158/2008-2009, Bangalore, dated 21.5.2008 and the final notification bearing No. UDD 51 MNX 2010, Bangalore, dated 18.2.2010 issued for acquisition of lands for the formation of the "Nadaprabhu Kempegowda Layout" are upheld subject to the following conditions:

a) With regard to the land owners (excluding the site owners):

i) All the land owners/writ petitioners who are seeking for dropping of their lands from acquisition on the ground that their lands are (1) nursery lands; (2) situated within green belt; (3) totally built up; (4) that the buildings are constructed by religious/charitable educational institutions; (5) that similar adjoining lands have been either left out from acquisition or denotified, are permitted to make an application to the BDA seeking for dropping of their lands from acquisition by producing all such material



CNR: KAHC010292852016

NC: 2026:KHC:54600
WP No. 26863 of 2016

that they deem fit/necessary in support of their applications within 3 months from today;

(ii) The BDA shall consider each of the said application/s keeping in mind the status of the lands as on the date of the preliminary notification and without taking into consideration any developments / improvements / constructions made subsequent to the preliminary notification;

iii) The BDA shall complete the exercise of considering the applications of the writ petitioners and deciding on the same within an outer limit of six months from today;

iv) The BDA, upon consideration of the applications shall intimate the writ petitioners about its decision;

v) If the BDA is of the opinion that the acquisition will have to be proceeded with, the BDA is at liberty to proceed further in accordance with law;

b) Insofar as the site owners who have not made an application as contemplated in para (iii)(a) hereinabove:

i) They shall register themselves for allotment under the BDA (Allotment of Sites) Rules, 1984 within three months from today by paying the registration



CNR: KAHC010292852016

fee. However, payment of initial deposit by them is exempted. The necessary documents along with the said applications are also to be filed to enable the BDA to verify the same;

ii) The BDA shall treat the applicants as being entitled for priority allotment and allot each of them a site measuring 30x40 feet in the Nadaprabhu Kempegowda Layout at the prevailing allotment prices subject to the applicants satisfying the dual requirements of allotment under the Rules that they must be the residents of Bengaluru (for 10 years) and should not be owning any residential property in Bengaluru;

iii) In case the applicants/writ petitioners do not fulfill the requirements for allotment under the Rules, 1984 they may be considered for allotment of 20x30 feet sites as per the Bangalore Development Authority (Incentive Scheme for Voluntary Surrender of Land) Rules, 1989;

c) Insofar as the owners of residential sites who form part of a layout and who have sought for dropping their lands from acquisition in accordance with para (iii)(a) hereinabove, the BDA shall consider the same having regard to the observations made at para 66 hereinabove. If the BDA rejects their applications, the site owners who have first filed



CNR: KAHC010292852016

NC: 2026:KHC:54600
WP No. 26863 of 2016

applications pursuant to para (iii)(a) hereinabove, shall be entitled to a further period of one month after the decision as contemplated therein is intimated to opt to and apply in the manner as contemplated in para (iii)(b) hereinabove.

iv) Till the aforesaid exercise directed to be undertaken by the BDA and the applications filed by the writ petitioners, either for allotment of sites or for dropping of the lands from acquisition are considered, their possession shall not be disturbed and the existing construction shall not be demolished.

v) In view of the allowing of the above appeals, pending interlocutory applications, if any, stand disposed of.

No costs."

7. In that view of the matter, this writ petition is ***disposed off*** on similar lines as in ***W.A.No.1783/2014 and connected appeals [Bangalore Development Authority and another vs. Sri. R. Shankaran and others - 2024 SCC OnLine Kar 27144]***.

8. It is open for the petitioner to register herself with the respondent No.1 for allotment of an alternate site or the



**NC: 2026:KHC:54600
WP No. 26863 of 2016**

CNR: KAHC010292852016

same site, if she has put up construction in Site No.69 formed in Sy.No.28 of K. Krishna Sagara, Kengeri Hobli, Bengaluru South Taluk. She shall also register for allotment of sites under the Bangalore Development Authority (Allotment of Sites) Rules 1984. This shall be done within a period of three months from the date of receipt of a copy of this order. The respondent No.1 shall consider the application filed by the petitioner and pass appropriate orders in accordance with law, which shall not be later than three months from the date of receipt of the application from the petitioner.

9. It is made clear that until the aforesaid exercise is complete, the respondent No.1 shall not take any action of whatsoever nature in respect of Site No. 69 formed in Sy.No.28 of K. Krishna Sagara, Kengeri Hobli, Bengaluru South Taluk.

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

PMR
List No.: 1 Sl No.: 66