

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 12TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE MRS. JUSTICE K.S. HEMALEKHA

WRIT PETITION No.13080/2018 (LA-BDA)

C/W

WRIT PETITION No.46212/2014 (LA-RES)

IN W.P.NO.13080/2018

BETWEEN:

1. MURUGESH MUDALIAR
S/O. LATE CHINNARAJU MUDALIAR,
AGED ABOUT 82 YEARS,
2. MOHAN MUDALIAR
S/O. CHINNARAJU MUDALIAR,
AGED ABOUT 72 YEARS,
3. SUNDARVELU MUDALIAR
S/O. CHINNARAJU MUDALIAR,
AGED ABOUT 69 YEARS,

ALL ARE R/AT NO.11,
1ST CROSS, MADIVALA,
BENGALURU-560 068.

(PETITIONER NO.3 IS ABATED
VIDE ORDER DATED 11.02.2025)

...PETITIONERS

(BY SRI DHANANJAY JOSHI, SENIOR COUNSEL FOR
SRI C. RAVINDRAN, ADVOCATE; PETITION AGAINST PETITIONER NO.3
STANDS ABATED V/O. DATED 11.02.2025)

AND:

1. THE STATE OF KARNATAKA,
BY ITS SECRETARY TO GOVERNMENT,
HOME DEPARTMENT,
M.S. BUILDINGS,
DR. AMBEDKAR VEEDHI,
BENGALURU-560 001.
2. BANGALORE DEVELOPMENT AUTHORITY,
KUMARA PARK (WEST),
BENGALURU-560 020,
REP. BY ITS COMMISSIONER.
3. THE COMMANDANT,
KSRP, 3RD BETTALION,
KORAMANGALA,
BENGALURU-560 034.
4. STATE FORENSIC SCIENCE LABORATORY,
MADIWALA, SANTHOSH PURAM,
1ST BLOCK, KORAMANGALA,
HSR LAYOUT 5TH SECTOR,
BANGALORE, KARNATAKA-560 068,
REP. BY ITS DIRECTOR.
5. INDIAN INSTITUTE OF ASTROPHYSICS,
2ND BLOCK, KORAMANGALA,
BANGALORE-560034
REP. BY SRI SHRIPATHI .K
ADMINISTRATIVE OFFICER.

(R-5 IS IMPEADED AS PER THE VIDE
COURT ORDER DATED 06.06.2018)

...RESPONDENTS

(BY SMT. PRATHIMA HONNAPURA, AAG FOR
SRI MANJUNATH B., AGA FOR R-1 & R-4;
SRI AJAY KUMAR M., ADVOCATE FOR R-2;
SRI L.M. PANDURANGASWAMY, ADVOCATE FOR R-3;
SRI S.R. KAMALACHARAN, ADVOCATE FOR R-5)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227
OF THE CONSTITUTION OF INDIA, PRAYING TO DIRECT THE 2ND
RESPONDENT BY WAY OF WRIT OF MANDAMUS OR ANY OTHER

APPROPRIATE WRIT OR DIRECTION TO ISSUE NECESSARY CLARIFICATION / COMMUNICATION TO 3RD RESPONDENT WITH REGARD TO THE MISTAKE COMMITTED BY THE 2ND RESPONDENT AT THE TIME OF PREPARING THE SALE DEED, ANNEXURE-H AND ALSO THE POSSESSION CERTIFICATE, ANNEXURE-J OR CARRY OUT NECESSARY CORRECTION / RECTIFICATION IN THE SAID DOCUMENTS AND ETC.

IN W.P.NO.46212/2014

BETWEEN:

1. MURUGESH MUDALIAR
S/O. LATE CHINNARAJU MUDALIAR,
AGED ABOUT 77 YEARS,
2. MOHAN MUDALIAR
S/O. CHINNARAJA MUDALIAR,
AGED ABOUT 71 YEARS,
3. SUNDARVELU
S/O. CHINNARAJU MUDALIAR,
AGED ABOUT 67 YEARS,

ALL ARE R/AT NO.16, 1ST CROSS,
MADIVALA, BENGALURU-68.

(PETITIONER NO.3 IS ABATED
VIDE ORDER DATED 11.02.2025)

REPRESENTED BY THEIR GPA HOLDER
MR. SACHIN VORA
S/O INDULAL VORA.

1. VIJAYALAKSHMI URS
S/O. B.T. SHANKRAJ URS,
AGED 67 YEARS,
RESIDING AT NO.C-101,
RENAISSANCE PARK-3,
MILK COLONY, MALLESHWARAM WEST,
BANGALORE-55.
2. C.M. VENUGOPAL REDDY
S/O. C.G.M. REDDY,
AGED 60 YARS,

R/AT. NO.79, 1ST 'J' CROSS,
SHARADA COLONY,
BASAVESHWARANAGAR,
BANGALORE-79.

3. K. PICHANDI
S/O.LATE VENKATASWAMY KUPPAN,
AGED 47 YEARS,
NO.37, VANI NIVAS, 2ND MAIN,
HEMAVANTHAGAR,
MARATHAHALLI,
BANGALORE-37.

(REPRESENTED BY THEIR GPA HOLDER
NOS.1 TO 3 ARE DELETED)

...PETITIONERS

(BY SRI DHANANJAY JOSHI, SENIOR COUNSEL FOR
SRI C. RAVINDRAN, ADVOCATE; PETITION AGAINST PETITIONER NO.3
STANDS ABATED V/O. DATED 11.02.2025)

AND:

1. STATE OF KARNATAKA
REVENUE DEPARTMENT,
M.S.BUILDING,
DR.B.R.AMBEDKAR ROAD,
BANGALORE-01,
BY ITS SECRETARY.
2. THE DEPUTY COMMISSIONER
BANGALORE DIVISION,
BANGALORE-560001.
3. THE SPECIAL LAND ACQUISITION OFFICER
BANGALORE SUB DIVISION
VISHWESHWARAIK KENDRA,
PODIUM BLOCK,
BANGALORE-560002.
4. THE INDIAN INSTITUTE OF ASTROPHYSICS
II BLOCK, KORAMANGALA,
BANGALORE-68.
BY ITS DIRECTOR.

...RESPONDENTS

(BY SMT. PRATHIMA HONNAPURA, AAG FOR
SRI MANJUNATH B., AGA FOR R-1 & R-3;
SRI PRADEEP SAWKAR, SRI SUNDARASWAMY AND
SRI RAMDAS, ADVOCATE FOR R-4)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO DECLARE THAT IN VIEW OF SECTION 24(2) OF THE RIGHT TO FAIR COMPENSATION TRANSPARENCY IN LAND ACQUISITION REHABILITATION & RESETTLEMENT ACT 2013 THE ACQUISITION PROCEEDINGS INITIATED PURSUANT TO ANNEXURE-C THE PRELIMINARY NOTIFICATION DATED 14.09.1995 & ANNEXURE-D, THE FINAL NOTIFICATION DATED 27.09.1996, GAZETTED ON 17.10.1996, ARE LAPSED IN RESPECT OF THE PETITIONER'S LAND MEASURING 2 ACRES 35 GUNTAS IN SY.NO.20/1B OF MADIWALA VILLAGE, BEGUR HOBLI, BANGALORE SOUTH TALUK.

THESE WRIT PETITIONS HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 17/04/2026, COMING ON FOR PRONOUNCEMENT THIS DAY, THE COURT MADE THE FOLLOWING:

CORAM: HON'BLE MRS JUSTICE K.S. HEMALEKHA

CAV O R D E R

These connected writ petitions arise out of the acquisition proceedings related to land bearing Survey No.20/1B measuring 3 acres 8 guntas situated at Madivala Village, Begur Hobli, Bengaluru South Taluk ('schedule property' for short).

2. W.P. No.46212/2014 is filed seeking declaration that the acquisition proceedings initiated pursuant to the

Preliminary Notification dated 14.09.1995 and Final Notification dated 27.09.1996 for acquisition of 2 acres 35 guntas in favour of Indian Institute of Astrophysics have lapsed, under Section 24 (2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 ('2013 Act' for short), on the ground that the compensation was not paid and lawful physical possession was not taken.

3. W.P. No.13080/2018 was filed questioning the subsequent execution of sale deed and issuance of possession certificate by the BDA in favour of respondent Nos.3 and 4, contending that the earlier acquisition proceedings initiated pursuant to the Preliminary Notification dated 26.11.1959 and Final Notification dated 28.09.1965 for the benefit of CITB/BDA had already been declared as lapse in W.P. No.30558/2000 and therefore, the BDA had no authority to convey the property.

4. The controversy in the present writ petitions revolves around the effect of lapse of the earlier acquisition proceedings, the validity and consequence of the subsequent acquisition proceedings of 1995 and 1996, and the question whether vesting had occurred in favour of Government under Section 16 of the Land Acquisition Act, 1894 ('LA Act' for short).

Brief Facts:

5. The schedule property originally belonged to late Smt. Andalamma, mother of the petitioners. Initially, the State Government issued a Preliminary Notification dated 26.11.1959 under Section 4 (1) of the LA Act, proposing acquisition of the said land for the benefit of then CITB now BDA, followed by a Final Notification dated 28.09.1965. Though an award is stated to have been passed on 02.09.1969, approval thereto was allegedly granted only on 05.09.2000. Challenging the said acquisition proceedings on the ground of non-compliance with Section 11A of the LA Act, Smt. Andalamma filed W.P. No.30558/2000. This Court,

by order dated 18.07.2002, declared that the said acquisition proceedings has lapsed. The writ appeal preferred by the BDA in W.A. No.4899/2002 also came to be dismissed on 23.03.2005.

6. During the subsistence of the earlier acquisition proceedings, the State Government initiated fresh acquisition proceedings in respect of 2 acres 35 guntas out of the very same land for the benefit of Indian Institute of Astrophysics, by issuing a Preliminary Notification dated 14.09.1995 and a Final Notification dated 27.09.1996. The petitioners and their mother challenged the said acquisition proceedings in W.P. Nos.6522-6525/1998 contending, *inter alia*, that the authorities lacked jurisdiction to issue the notification and that the notification was impermissible. The writ petitions came to be dismissed by a common judgment dated 23.07.2002, holding that the acquisition was for a public purpose.

7. According to the petitioners, though an award dated 16.11.1997 was allegedly passed and notice under Section 12 (2) of the LA Act was issued, neither was compensation paid to the petitioners nor was it deposited before the jurisdictional Civil Court. It is their specific contention that the respondents merely credited the compensation amount to the treasury, which would not amount to a payment in the eye of law. The petitioners further stated that the physical possession of the land was never taken and they have continued to remain in possession and enjoyment of the property, upon which houses, sheds and nursery activities exist. It is also contended that no personal notice was issued prior to the alleged taking over of possession. On the said basis, the petitioners seek declaration that the acquisition proceedings have lapsed under Section 24 (2) of the 2013 Act.

8. The respondents-State and the acquiring body state that the acquisition proceedings had concluded long ago, award was passed after considering the objections filed

by the petitioners' mother, the possession was taken and handed over to the acquiring body under the Official Memorandum dated 10.06.2005, that the notification under Section 16 (2) was issued and compensation amount was credited to the treasury, as the petitioners had failed to receive the same.

9. It is further stated that the acquisition proceedings had already been upheld in the earlier writ proceedings and writ appeals, which have attained finality and therefore, the present petitions are barred by principles analogous to *res judicata* and are not maintainable. The respondents denied the petitioners' possession and state that the land in possession is in possession of the acquiring body and construction activities were proposed in the acquired land.

10. Learned senior counsel, Sri Dhananjay Joshi, for the petitioners contends that the acquisition proceedings initiated, pursuant to the Preliminary Notification dated

14.09.1995 and Final Notification dated 27.09.1996 in respect of 2 acres 35 guntas in Survey No.20/1B, have lapsed by virtue of Section 24 (2) of the Act, 2013. It is contended that though an award is alleged to have been passed on 16.11.1997, neither compensation was paid to the petitioners nor deposited before the jurisdictional civil Court. Mere deposit of compensation amount into the treasury would not amount to payment in the eye of law. It is further contended that the physical possession of the acquired land was never lawfully taken by the respondents. According to the learned senior counsel, the petitioners have continued to remain in possession and enjoyment of the property, upon which, houses, sheds and nursery activities exist. The petitioners contend that no personal notice was issued prior to the alleged taking over of possession and the mahazar relied upon by the respondents does not establish lawful possession in accordance with law. Learned senior counsel would further contend that the State could not have initiated fresh acquisition proceedings in the year 1995, when the

earlier acquisition proceedings initiated in the year 1959 in respect of the very same land were subsisting. It is submitted that parallel acquisition proceedings in respect of the same land was impermissible in law. It is contended that the earlier acquisition proceedings initiated for the benefit of CITB / BDA had already been declared as lapsed by this Court in W.P. No.30558/2000 and the same was affirmed in W.A. No.4899/2002. It is further stated that despite the alleged acquisition, the petitioners have continued to remain in possession and therefore, the respondents cannot dispossess them except in due process of law. Therefore, they seek a declaration that the acquisition proceedings have lapsed under Section 24 (2) of the 2013 Act and consequently, seek quashing of the acquisition notification.

11. Learned AAG, Smt. Prathima Honnapura, for the State contends that the writ petitions are wholly misconceived and not maintainable either on facts or on law. It is submitted that the petitioners had already challenged the very same acquisition proceedings in an earlier round of

litigation and suffered adverse orders against them both before the learned Single Judge and the Division Bench. Therefore, the petitioners cannot once again reopen the concluded acquisition proceedings under the guise of Section 24 (2) of the 2013 Act. It is contended that the land measuring 2 acres 35 guntas in Survey No.20/1B was acquired for providing quarters and infrastructures to personnel of the Indian Institute of Astrophysics, which constituted a public purpose and the acquisition proceedings had completed long ago, the award notice under Section 12 (2) of the LA Act was issued to the petitioners and the possession was taken after issuance of approval under Section 16 of the LA Act and thereafter, handed over to the acquiring authority. It is submitted that Section 16 (2) notification was also issued. Learned AAG further contends that as per the Official Memorandum dated 10.06.2005, the jurisdictional Tahsildar was directed to take possession of the land and hand over the same to the acquiring body. It is submitted that the possession was accordingly delivered to

the Indian Institute of Astrophysics and the acquisition proceedings stood concluded. It is further contended that the compensation amount had already been deposited by the acquiring body and since the petitioners failed to receive the compensation, the amount was credited to the treasury. Therefore, according to the State the petitioners cannot contend that the compensation was not paid. It is further submitted that the provisions of 2013 Act do not create a fresh cause of action to reopen concluded proceedings, since the award was passed, possession had been taken and handed over to the acquiring body long prior to the commencement of 2013 Act, and therefore, Section 24 (2) has no application to the present facts.

12. According to the Learned AAG, even before the earlier BDA acquisition proceedings were set aside, the Government has independently initiated fresh acquisition proceedings on 14.09.1995 for acquisition of 2 acres 35 guntas in favour of the Indian Institute of Astrophysics and

final notification was issued on 27.09.1996 and the award was passed on 24.09.2002.

13. It is submitted that, in W.P. No.6522/1998 and connected matters, the petitioners had challenged the acquisition proceedings of 1995 and 1996 on the ground that the acquisition was not for a public purpose. The writ petitions were dismissed on 23.07.2002 and W.A. Nos.4916-4918/2002 were also dismissed on 23.03.2005, thereby upholding the acquisition proceedings. It is contended that:

i. The mahazar evidencing taking over of possession was drawn on 12.07.2005,

ii. Section 16(2) notification was issued on 15.07.2005,

iii. Possession certificate was issued on 11.08.2005, and the sale deed dated 05.09.2005 was executed by the BDA in favour of Karnataka State Reserve Police (KSRP).

14. The petitioners subsequently filed O.S. No.2864/2008 seeking injunction against BDA and KSRP,

which came to be dismissed on 25.01.2016, holding that the KSRP was in lawful possession pursuant to the sale deed. According to the State, W.P. No.46212/2014, challenging the acquisition under Section 24 (2) of the 2013 Act, was filed nearly after 17 years after passing of an award and therefore, suffers from serious delay and *laches*.

15. The principal contention of the State is that:

i. Once the land is acquired and possession is taken, the land vests absolutely in the State free from encumbrances and the former land owner ceases to have enforceable rights over the property.

ii. The validity of the acquisition proceedings initiated in 1995 has already been upheld in the earlier writ petitions and writ appeals, therefore, the petitioners cannot reopen concluded issue.

iii. The sale deed executed by the BDA in favour of KSRP cannot be challenged in a writ petition, since once a registered conveyance is executed, adjudication upon the validity of such document would involve disputed questions

of title and facts. Remedy, if any, lies before the competent civil Court.

16. It is contended that once the acquisition proceedings of 1995 and 1996 were upheld and possession vests with the State, transfer of the land from one governmental instrumentality to another governmental instrumentality for public purpose, is legally permissible. It is further contended that:

- i. Award notice under Section 12 (2) was issued,
- ii. Compensation amount was deposited,
- iii. Compensation was taken,
- iv. Section 16 (2) notification was issued and KSRP has remained in possession and is operating the State Forensic Science Laboratory in the acquired land.

17. Relying heavily upon the ***Indore Development Authority Vs. Manoharlal and others¹*** (*Indore Development*), the State contends that:

¹ (2020) 8 SCC 129

i. Once possession is taken, there is no divesting under Section 24

ii. Lapse occurs only, if both compensation has not been paid and possession has not been taken.

iii. Deposit/tender of compensation together with taking of possession defeats the plea of lapse.

18. The State additionally contends that the writ petitions are liable to be dismissed on the ground of unexplained delay and *laches*.

19. Learned counsel, Sri S.R. Kamalacharan, for respondent -Indian Institute of Astrophysics, contends that the writ petitions are an abuse of process of the Court and are liable to be dismissed with exemplary costs. It is submitted that the acquisition proceedings have already attained finality and the petitioners have no surviving right, title, or interest in the acquired land. It is contended that, after the earlier acquisition proceedings initiated in 1959 came to be quashed, fresh acquisition proceedings were

lawfully initiated in the year 1995, specifically for the benefit of the Indian Institute of Astrophysics. It is further contended that, during the pendency of the challenge to the earlier acquisition proceedings, the fresh acquisition proceedings were initiated, the objections filed by the petitioners' mother were duly considered, and thereafter, the final notification and award came to be passed. Learned counsel further contends that the petitioners and their mother challenged the acquisition proceedings in W.P. Nos.6522-6525/1998 and the same were dismissed. The writ appeals in W.A. Nos. 4916-4918/2002 also came to be dismissed by the judgment dated 23.03.2005, wherein this Court specifically upheld the acquisition as being for a public purpose. The said judgment has attained finality. It is further contended that the possession of the acquired land had already been taken from the revenue authorities and handed over to the Indian Institute of Astrophysics. It is submitted that the institute is in actual physical possession of the property and has been paying taxes in respect of the same.

20. Learned counsel specifically denies the contention of the petitioners that they have continued to remain in possession or that houses, shed and nursery activities exist on the acquired property. According to respondent No.5, the photographs produced by the petitioners are fabricated and do not pertain to the acquired property.

21. Learned counsel further submits that the petitioners are seeking to invoke Section 24 (2) of the 2013 Act, only with an intention to reopening concluded acquisition proceedings and claiming higher compensation under the new Act. It is contended that, once the award had been passed, compensation deposited, possession taken, and the acquisition upheld in earlier litigation, the petitioners cannot seek a declaration of lapse under the 2013 Act.

22. Learned counsel for the BDA also places reliance on the judgment of the Apex Court in the case of ***Sulochana Chandrakant Galande Vs. Pune Municipal Transport***

and others² (*Sulochana Chandrakant Galande*), to contend that once land is acquired, possession is taken and vesting takes place under Section 16 of the LA Act, the land vests absolutely in the State free from all encumbrances and therefore, the original landowners cease to have any subsisting right over the acquired property, except the right of compensation. It is contended relying upon the aforesaid judgment that, even if the acquired land is subsequently utilized for another public purpose or transferred from one governmental authority to another governmental authority, the original landowners cannot seek restoration of the land and the change of user or transfer between government instrumentalities would not invalidate the acquisition proceedings. It is contended that, even assuming the earlier acquisition proceedings initiated for CITB / BDA had lapsed, the subsequent acquisition proceedings initiated pursuant to the notifications dated 14.09.1995 and 27.09.1996, independently culminated in the passing of an award, and taking over of possession, issuance of Section 16 (2) of

² (2010) 8 SCC 467

notification and vesting of land in the State-Acquiring Authority. Consequently, the petitioners cannot seek for restoration of title or possession merely because the earlier acquisitions have been lapsed. It is further contended that once the vesting occurred under the subsequent acquisition proceedings, the land would lawfully be utilized or transferred for another public purpose and therefore, the petitioners cannot challenge the subsequent utilization of the acquired land by KSRP or the State Forensic Science Laboratory. According to the respondents, after vesting under Section 16, the petitioners ceased to have any enforceable proprietary right over the acquired land and therefore, no mandamus, as sought by the petitioners, can be granted.

23. This Court has carefully considered the submissions and perused the material on record. The points that arise for consideration are that:

"i. Whether the petitioners have established that the acquisition proceedings initiated pursuant to the

Preliminary Notification dated 14.09.1995 and Final Notification dated 27.09.1996 in respect of Survey No.20/1B, measuring 02 acres 35 guntas, have lapsed under Section 24 (2) of the Act, 2013 on the ground that: (a) compensation was not paid and (b) lawful physical possession was not taken?

ii. Whether the lapse of the earlier acquisition proceedings initiated pursuant to the Preliminary Notification dated 26.11.1959 and Final Notification dated 28.09.1965 for the benefit of CITB / BDA would automatically invalidate or affect the subsequent acquisition proceedings initiated in the year 1995 for the benefit of Indian Institute of Astrophysics?

iii. Whether the respondents established that pursuant to the subsequent acquisition proceedings, (a) award has been passed; (b) possession has been taken under Section 16 of the Land Acquisition Act; (c) Section 16 (2) notification has been issued and consequently, the land stood vested absolutely in the Government free from all encumbrances?

iv. Whether the petitioners, after vesting under subsequent acquisition proceedings, can seek for restoration of title or possession merely because the

earlier acquisition proceedings initiated for CITB / BDA has been declared as lapsed?"

Point No.i:

24. The petitioners contend that though acquisition proceedings were initiated in the year 1995 and an award was allegedly passed, compensation was neither paid to them nor deposited before the jurisdictional civil Court and lawful physical possession of the acquired land was never taken. According to the petitioners, they have continued to remain in physical possession and enjoyment of the acquired land, upon which houses, sheds and nursery activities exist. It is therefore, contended that the acquisition proceedings are deemed to have lapsed under Section 24 (2) of 2013 Act. The said contention requires consideration in the backdrop of the earlier proceedings concerning the very same land.

25. The records disclose that the earlier acquisition proceedings initiated pursuant to the Preliminary Notification dated 26.11.1959 and Final Notification dated 28.09.1965 for the benefit of CITB /BDA were challenged in W.P.

No.30558/2000. The challenge therein was not founded upon non-payment of compensation. The principal ground urged therein was that, though an award was stated to have been passed on 02.09.1969, approval to the award was allegedly granted only on 05.09.2000 and therefore, the acquisition proceedings were initiated for non-compliance with Section 11A of the LA Act. Accepting the said contention, this Court held that acquisition proceedings have lapsed. The relevant portion of the order is found at paragraph Nos.11 and 12, which are extracted as under:

"11. The final notification in the case on hand is dated 28-9-1965 whereas, the award passed by the Land Acquisition Officer has been approved by the Deputy Commissioner on 5-9-2000 i.e. almost after 29 to 30 years from the date of passing the award. Even assuming that Section 11A of the Act is not in the statute book, the State Govt. which acquired the properties is expected to pass the award within the reasonable time. If the Government fails to pass an award for a considerable length of time, any land owner could reasonably believe that the Government is not interested in acquiring the land as the same is not required for the purpose for which it was notified

for acquisition. Therefore, I am of the considered view that if no award has been passed within a reasonable time, it is just and proper for the Court to declare the said proceedings as lapsed keeping in view the conduct of the acquiring authority. Hence, this is a fit case where a declaration is to be made declaring the acquisition proceedings as lapsed for the reasons stated above.

12. *In the result, I pass the following order:-*

Writ petition is allowed declaring the entire acquisition proceedings in respect the land measuring 3 acres 9 of guntas in Sy.No.20/1B of Madiwala Village, Begur Hobli, Bangalore south Taluk as lapsed."

26. The said finding has attained finality in Writ Appeal No.4899/2002. Therefore, the earlier acquisition proceedings were declared as lapse only on account of non-compliance with Section 11A of the LA Act. However, during the subsistence of the earlier acquisition proceedings, the State initiated a fresh and independent acquisition proceedings pursuant to the Preliminary Notification dated 14.09.1995 and Final Notification dated 27.09.1996 for

acquisition of 2 acres 35 guntas in favour of Indian Institute of Astrophysics. The said acquisition proceedings were independently challenged by the petitioners and their predecessor in W.P. Nos.6522-6525/1998. The challenge therein was directed against the legality and competence of the State to initiate subsequent acquisition proceedings and it was contended that the acquisition was not for a public purpose. This Court dismissed the writ petitions and held at paragraph Nos.7, 8, 9, 10 and 11 as under:

"7. From the statement of objections, it is seen that the petitioners have filed their objections objecting the acquisition of land and they were also represented by an Advocate before the Land Acquisition Officer. After considering the objections raised by the petitioners, the Land Acquisition Officer submitted a report to the State Government stating that the land is required for the 4th respondent – Indian Institute of Astrophysics and it is for the public purpose. The entire report and also the records relating to acquisition proceedings were all before the State Government. The State Government after going through the records and the report submitted by the Land Acquisition Officer has satisfied itself regarding the need of the land for public purpose. This

satisfaction is found in the notification u/s.6(1) of the Act. If that is so, the satisfaction so arrived by the State Government cannot be gone into and further the said satisfaction also cannot be substituted by this Court in a writ petition under article 226 of the Constitution of India. Therefore, the contention of the learned Counsel for the petitioners that the State Government has not applied its mind to the facts of these matters before issuing the notification u/s.6(1) of the Act, is also liable to be rejected.

8. *It is contended that the acquisition of the land for the 4th respondent – Indian Institute of Astrophysics is not for public purpose. Indian Institute of Astrophysics has been established and controlled by the Union of India. The acquisition of land is for the purpose of construction of residential houses for its staff. The Institute is for imparting higher education in the concerned subject. If that is so, under the provisions of the Land Acquisition Act, the acquisition of land for the 4th respondent, managed and controlled by the Government is for public purpose. Therefore, I am of the view that the proposed acquisition is for public purpose.*

9. *The learned Counsel for the petitioners submits that as found in the statement of objections, the land is required for the construction of residential*

buildings, library, hospital and for other infrastructure. Therefore, as there is a deviation in the proposal, according to him, the final notification is liable to be quashed.

10. So far as the requirement of land for the purpose of construction of residential houses for the staff is concerned, it remains, and if any other additional incidental requirement for staff and students is included in the statement of objections, it does not in any way take away the held of acquisition of land for construction of building. Therefore, even assuming that the land is required in addition to the main purpose cannot be said to be deviation from the original purpose of acquisition. Hence, for the reasons stated above, I find no substance in these petitions.

11. The other set of writ petitions is by the agreement holders. Mere agreement to purchase the property will not in any way create title in the property. If that is so, the petitioners in these petitions have no locus standi to question the acquisition proceedings. Further even assuming that they have the locus standi, the contention raised by the petitioners is similar to the contention raised by the petitioners in W.P. Nos.6522-25/1998."

27. The writ petitions came to be dismissed and the Division Bench in W.A. Nos.4916-49218/2002 upheld the acquisition proceedings and held at paragraph No.8 as under:

"8. This takes us to the contention of Sri K.Krishna, learned counsel for the BDA-appellant in Writ Appeal No.4899 of 2002, It is true that entire 3 acres 8 guntas of land in Sy.No.20/1B of Madivala village was acquired. No exception can be taken to the order of the learned single Judge in holding that the acquisition proceedings lapsed having regard to the fact that the award was not passed by the Land Acquisition officer within the stipulated time. Preliminary notification under section 4(1) was issued on 26.11.1959 and final declaration under Section 6(1) was made on 28.09.1965 and the same was published in the official gazette on 07.10.1965 whereas, the award though passed by the LAO on 02.09.1969, was approved by the Government only on 05.09.2000. The time-gap between 1965 and 2000 is a factor which should be a legitimate basis to nullify the impugned action taken in exercise of the eminent domain power of the State. When once the land acquisition proceedings initiated in the year 1959 had lapsed, it should not lie in the mouth of the BDA that balance of 13 guntas of land should have been allowed

to be retained by the BDA notwithstanding the vice of nullity attached to the impugned action. Be that as it may, 13 guntas of land is very meagre in extent and that would not serve any public purpose. Looking from that angle also, we do not find any merit in the contention that atleast 13 guntas of land acquired under Section 4(1) notification dated 26.11.1959 should have been sustained by the learned Single Judge.”

28. The Division Bench specifically held that the acquisition was for public purpose and thus, the legality of the subsequent acquisition proceedings attained finality. The petitioners have to establish in the present petition the two conditions contemplated under Section 24 of 2013 Act namely,

- i. Compensation has not been paid and
- ii. Lawful physical possession has not been taken.

29. In this regard, the respondent-State and the acquiring body have substantial material on record disclosing:

- i. The passing of award;

- ii. Issuance of notice under Section 12 (2) of the LA Act;
- iii. Drawing of possession of mahazar dated 12.07.2005;
- iv. Issuance of Section 16(2) notification dated 15.07.2005.
- v. Handing over of possession to the acquiring body.

30. It is also borne out from the record that the compensation amount has been deposited, as the petitioners failed to receive the same. Though the petitioners contend that they continue to remain in possession, except for producing photographs and making assertions regarding shed and nursery activities, no cogent contemporaneous material sufficient to displace the official records evidencing taking over of possession has been placed before the Court.

31. At this stage, it is necessary to refer to the principles laid down by the Constitution Bench in the case of

Indore Development Authority, wherein, at paragraph No. 366, it is held as under:

"366. In view of the aforesaid discussion, we answer the questions as under:

366.1. Under the provisions of Section 24(1)(a) in case the award is not made as on 1-1-2014, the date of commencement of the 2013 Act, there is no lapse of proceedings. Compensation has to be determined under the provisions of the 2013 Act.

366.2. In case the award has been passed within the window period of five years excluding the period covered by an interim order of the court, then proceedings shall continue as provided under Section 24(1)(b) of the 2013 Act under the 1894 Act as if it has not been repealed.

366.3. The word "or" used in Section 24(2) between possession and compensation has to be read as "nor" or as "and". The deemed lapse of land acquisition proceedings under Section 24(2) of the 2013 Act takes place where due to inaction of authorities for five years or more prior to commencement of the said Act, the possession of land has not been taken nor compensation has been paid. In other words, in case possession has been taken, compensation has not been paid then there is no lapse.

Similarly, if compensation has been paid, possession has not been taken then there is no lapse.

366.4. The expression "paid" in the main part of Section 24(2) of the 2013 Act does not include a deposit of compensation in court. The consequence of non-deposit is provided in the proviso to Section 24(2) in case it has not been deposited with respect to majority of landholdings then all beneficiaries (landowners) as on the date of notification for land acquisition under Section 4 of the 1894 Act shall be entitled to compensation in accordance with the provisions of the 2013 Act. In case the obligation under Section 31 of the Land Acquisition Act, 1894 has not been fulfilled, interest under Section 34 of the said Act can be granted. Non-deposit of compensation (in court) does not result in the lapse of land acquisition proceedings. In case of non-deposit with respect to the majority of holdings for five years or more, compensation under the 2013 Act has to be paid to the "landowners" as on the date of notification for land acquisition under Section 4 of the 1894 Act.

366.5. In case a person has been tendered the compensation as provided under Section 31(1) of the 1894 Act, it is not open to him to claim that acquisition has lapsed under Section 24(2) due to non-payment or non-deposit of compensation in court. The obligation to

pay is complete by tendering the amount under Section 31(1). The landowners who had refused to accept compensation or who sought reference for higher compensation, cannot claim that the acquisition proceedings had lapsed under Section 24(2) of the 2013 Act.

366.6. The proviso to Section 24(2) of the 2013 Act is to be treated as part of Section 24(2), not part of Section 24(1)(b).

366.7. The mode of taking possession under the 1894 Act and as contemplated under Section 24(2) is by drawing of inquest report/memorandum. Once award has been passed on taking possession under Section 16 of the 1894 Act, the land vests in State there is no divesting provided under Section 24(2) of the 2013 Act, as once possession has been taken there is no lapse under Section 24(2).

366.8. The provisions of Section 24(2) providing for a deemed lapse of proceedings are applicable in case authorities have failed due to their inaction to take possession and pay compensation for five years or more before the 2013 Act came into force, in a proceeding for land acquisition pending with the authority concerned as on 1-1-2014. The period of subsistence of interim orders passed by court has to be excluded in the computation of five years.

366.9. Section 24(2) of the 2013 Act does not give rise to new cause of action to question the legality of concluded proceedings of land acquisition. Section 24 applies to a proceeding pending on the date of enforcement of the 2013 Act i.e. 1-1-2014. It does not revive stale and time-barred claims and does not reopen concluded proceedings nor allow landowners to question the legality of mode of taking possession to reopen proceedings or mode of deposit of compensation in the treasury instead of court to invalidate acquisition."

32. The said decision is squarely applicable to the present facts. The Constitution Bench has categorically held that for attracting Section 24 (2), both conditions must coexist, namely, (a) Compensation has not been paid; (b) Physical possession has not been taken. The Apex Court has held that once possession is taken under Section 16 of the LA Act, the land vests absolutely in State free from all encumbrances and therefore, there can ordinarily be no divesting under Section 24 (2) of the 2013 Act. The Apex Court in the case of ***Sulochana Chandrakant Galande*** has held at paragraph No.12 to 22 as under:

"12. The provisions of Section 10(3) of the 1976 Act are analogous to Section 16 of the Land Acquisition Act, 1894 (hereinafter called "the 1894 Act"). Acquisition proceedings cannot be withdrawn/abandoned in exercise of the powers under Section 48 of the 1894 Act or Section 21 of the General Clauses Act, 1897 once the possession of the land has been taken. [Vide *State of M.P. v. Vishnu Prasad Sharma* [AIR 1966 SC 1593], *Lt. Governor of H.P. v. Avinash Sharma* [(1970) 2 SCC 149], *Pratap v. State of Rajasthan* [(1996) 3 SCC 1], *Mandir Shree Sita Ramji v. Collector (L.A.)* [(2005) 6 SCC 745], *Bangalore Development Authority v. R.Hanumaiah* [(2005) 12 SCC 508] and *Hari Ram v. State of Haryana* [(2010) 3 SCC 621].

13. The meaning of the word "vesting" has been considered by this Court time and again. In *Fruit & Vegetable Merchants Union v. Delhi Improvement Trust* [AIR 1957 SC 344] this Court held that the meaning of the word "vesting" varies as per the context of the statute in which the property vests. While considering the case under Sections 16 and 17 of the 1894 Act, the Court held as under: (AIR p. 353, para 19)

"19. ... the property acquired becomes the property of Government without any conditions or limitations either as to title or possession. The

legislature has made it clear that the vesting of the property is not for any limited purpose or limited duration."

14. "Encumbrance" actually means the burden caused by an act or omission of man and not that created by nature. It means a burden or charge upon property or a claim or lien on the land. It means a legal liability on property. Thus, it constitutes a burden on the title which diminishes the value of the land. It may be a mortgage or a deed of trust or a lien of an easement. An encumbrance, thus, must be a charge on the property. It must run with the property. (Vide *Collector of Bombay v. Nusserwanji Rattanji Mistri* [AIR 1955 SC 298], *H.P. SEB v. Shiv K. Sharma* [(2005) 2 SCC 164] and *AI Champdany Industries Ltd. v. Official Liquidator* [(2009) 4 SCC 486].)

15. In *State of H.P. v. Tarsem Singh* [(2001) 8 SCC 104], this Court held that the terminology "free from all encumbrances" used in Section 16 of the 1894 Act, is wholly unqualified and would encompass the extinguishing of "all rights, title and interests including easementary rights" when the title vests in the State.

16. Thus, "free from encumbrances" means vesting of land in the State without any charge or

burden in it. Thus, the State has absolute title/ownership over it.

17. *In Satendra Prasad Jain v. State of U.P. [(1993) 4 SCC 369], this Court held that once land vests in the State free from all encumbrances, it cannot be divested. The same view has been reiterated in Awadh Bihari Yadav v. State of Bihar [(1995) 6 SCC 31], U.P. Jal Nigam v. Kalra Properties (P) Ltd. [(1996) 3 SCC 124], Pratap [(1996) 3 SCC 1] , Chandragauda Ramgonda Patil v. State of Maharashtra [(1996) 6 SCC 405] , Allahabad Development Authority v. Nasiruzzaman [(1996) 6 SCC 424], State of Kerala v. M. Bhaskaran Pillai [(1997) 5 SCC 432], M. Ramalinga Thevar v. State of T.N. [(2000) 4 SCC 322], Printers (Mysore) Ltd. v. M.A. Rasheed [(2004) 4 SCC 460], Bangalore Development Authority v. R. Hanumaiah [(2005) 12 SCC 508] and Govt. of A.P. v. Syed Akbar [(2005) 1 SCC 558].*

18. *So far as the change of user is concerned, it is a settled legal proposition that once land vests in the State free from all encumbrances, there cannot be any rider on the power of the State Government to change user of the land in the manner it chooses.*

19. *In a similar situation, in Gulam Mustafa v. State of Maharashtra [(1976) 1 SCC 800], this Court held as under: (SCC p. 802, para 5)*

"5. ... once the original acquisition is valid and title has vested in the municipality, how it uses the excess land is no concern of the original owner and cannot be the basis for invalidating the acquisition. There is no principle of law by which a valid compulsory acquisition stands voided because long later the requiring authority diverts it to a public purpose other than the one stated in the ... declaration."

20. *Reiterating a similar view in C. Padma v. Govt. of T.N. [(1997) 2 SCC 627], this Court held that if by virtue of a valid acquisition of land, the land stands vested in the State, thereafter, the claimants are not entitled to restoration of possession on the grounds that either the original public purpose has ceased to be in operation or the land could not be used for any other purposes.*

21. *In Bhagat Singh v. State of U.P. [(1999) 2 SCC 384], Niladri Narayan Chandradhurja v. State of W.B. [(2002) 9 SCC 682], and Northern Indian Glass Industries v. Jaswant Singh [(2003) 1 SCC 335], this Court held that, the land user can be changed by the*

statutory authority after the land vests in the State free from all encumbrances.

22. In view of the above, the law can be summarised that once the land is acquired, it vests in the State free from all encumbrances. It is not the concern of the landowner how his land is used and whether the land is being used for the purpose for which it was acquired or for any other purpose. He becomes persona non grata once the land vests in the State. He has a right to get compensation only for the same. The person interested cannot claim the right of restoration of land on any ground, whatsoever."

33. The Apex Court, while considering the scope of vesting under Section 16, held that once possession is taken, vesting becomes complete, both as to title and possession and the original owner thereafter ceases to have any enforceable proprietary rights, except the right to compensation. The Apex Court further held that once land vests in the State free from all encumbrances, there can ordinarily be no divesting and the original owner cannot seek restoration merely because the land is subsequently utilized to another public purpose or transferred between

governmental authorities. Applying the aforesaid principle to the facts of the present case, this Court is of the considered view that the respondents have placed sufficient contemporaneous material, establishing taking over possession pursuant to the subsequent acquisition proceedings initiated in the year 1995. Therefore, vesting in the present case has to be understood with reference to the subsequent acquisition proceedings of 1995 and 1996 and not with reference to the earlier acquisition proceedings of 1959 and 1965, which had lapsed under Section 11A of the LA Act. In other words, the earlier acquisition proceedings initiated by CITB/BDA have been declared as lapsed vesting claim thereunder would not arise.

34. However, a fresh and independent vesting in favour of the Government arose pursuant to the subsequent acquisition proceedings once possession was taken under Section 16 of the LA Act. Thus, merely because the earlier acquisition proceedings were declared as lapsed, the petitioners cannot automatically contend that the subsequent

acquisition proceedings also stand defeated. Once the possession is shown to have been taken under subsequent acquisition proceedings and Section 16 (2) notification has been issued, vesting under Section 16 stands completed and the petitioners cease to have enforceable proprietary rights over the acquired land, except the right to compensation. Even assuming that compensation amount was deposited in treasury and not personally received by the petitioners, non-receipt of compensation alone would not result in lapse, once possession has already been taken. Accordingly, the petitioners have failed to establish the twin requirement contemplated under Section 24 (2) of the 2013 Act. Hence, the acquisition proceedings initiated pursuant to the notification dated 14.09.1995 and 27.09.1996 cannot be declared as lapsed.

35. It is also relevant to note that in O.S. No.2864/2008 filed by the petitioners before the Civil Court against the defendants, namely the KSRP, the BDA and the State, the suit was one for permanent injunction restraining

the defendants from interfering with the peaceful possession and enjoyment of the suit property. The Trial Court framed, *inter alia*, Issue No.5, which reads as follows::

"(5) Whether the plaintiffs are entitled for injunction?"

36. While answering the said issue, it is held as under:

*"47. **ISSUE NO.5:** In this case plaintiffs sought for the relief of Permanent Injunction restraining the defendants from interfering with their peaceful possession and enjoyment over the suit schedule property. While answering issue No.1, it is held that, plaintiffs have failed to prove their lawful possession and enjoyment of suit schedule property as on the date of suit. While answering issue no.2, it is held that, plaintiffs have also failed to prove alleged interference by the defendants. While answering issue no.4, it is held that, the present suit filed by the plaintiffs for bare injunction without the relief of declaration is not maintainable under law. The evidence on record clearly shows that plaintiffs are not at all in possession of the suit schedule property as on the date of suit. On the other hand, evidence on record clearly shows that defendant No.2 is in possession and enjoyment of the suit schedule*

property by virtue of the registered sale deed dated 5/9/2005. In this case, even though plaintiffs are 1 aware of the sale transaction took place between 'defendants 2 and 3 in respect of suit schedule property they have not at all challenged the said sale deed. It is a suit for bare injunction. It appears from the records that, there is a dispute regarding title to the property in question. But, plaintiffs have not at all sought for the relief of declaration. Hence, present suit filed by the plaintiffs for the relief of Permanent Injunction without the relief of declaration is not maintainable. Moreover, plaintiffs have failed to prove their possession over the suit schedule property as on the date of suit. Hence, plaintiffs are not entitled for the relief of Permanent Injunction as sought for. Plaintiffs failed to prove issue No.5. Accordingly, I answer issue No.5 in the negative."

37. The Trial Court, in the said suit, held that the plaintiffs were not in possession of the suit schedule property as on the date of the suit. While considering Issue Nos. 1 and 2 together, which were framed as under:

"1) Whether the plaintiffs prove that their lawful possession and enjoyment of the suit schedule property as on the date of the suit as alleged in the plaint ?

(2) Whether the plaintiffs further prove the alleged interference into their peaceful possession and enjoyment of suit schedule property and also attempt of demolition of the petrol bunk and houses and also attempt of dispossession of the plaintiff from the suit schedule property by the defendant as alleged in the plaint?"

38. The Trial Court recorded a categorical finding that the plaintiffs had failed to establish their possession over the suit schedule property, and at paragraph Nos.43 and 44 held as under:

"43. It is pertinent to note that, Ex.D5 is a registered sale deed and it has got presumptive value under the provisions of law. Moreover, this Ex.D5 is acted upon and on the basis of this Ex.D5 katha was made out in the name of defendant no.2 and now defendant no.2 is in lawful possession and enjoyment of the suit schedule property by paying tax to the Bruhat Bengaluru Mahanagara Palike. Hence, on perusal of the entire evidence on record it is much clear that, plaintiffs are not at all in possession and enjoyment of the suit schedule property as on the date of suit. On the other hand, evidence on record clearly shows that defendant no.2 is in lawful

possession and enjoyment of the suit schedule property.

44. It is pertinent to note that when plaintiffs are not in possession and enjoyment of the suit schedule property, the question of alleged interference by the defendants does not arise at all. Hence, it cannot be said that defendants are causing interference in the peaceful possession and enjoyment of the plaintiffs over the suit schedule property. Plaintiffs failed to prove issues 1 and 2. Accordingly, I answer issues 1 and 2 in the negative."

Point No.ii:

39. The earlier acquisition proceedings initiated for the benefit of CITB/BDA pursuant to the notification dated 26.11.1959 and 28.09.1965 were challenged in W.P. No. 30558/2000. The specific ground urged therein was that, though an award was stated to have been passed on 02.09.1969, approval to the award was allegedly granted only on 05.09.2000 and therefore, there was no compliance with Section 11A of the LA Act. Once the acquisition proceedings lapsed under Section 11A, the acquisition itself fails and the acquiring authority cannot continue to assert

title solely on the basis of such acquisition proceedings. Therefore, BDA's independent claim flowing from the earlier acquisition proceedings becomes unsustainable. However, the subsequent acquisition proceedings initiated pursuant to the notifications dated 14.09.1995 and 27.09.1996 stand on a different footing altogether. The subsequent acquisition was independently initiated for different public purpose and for the benefit of a different beneficiary, namely, the Indian Institute of Astrophysics. The said acquisition proceedings were separately challenged in W.P. Nos. 6522-6525/1998 and the said challenge was failed. The Division Bench also upheld the acquisition proceedings in W.A. Nos.4916-4918/2002. Therefore, the subsequent acquisition proceedings attained independent finality. Merely because the earlier acquisition proceedings lapsed, the subsequent acquisition proceedings did not automatically fail. The later acquisition constitutes an independent source of acquisition and an independent source of vesting.

40. It is significant to note that the subsequent acquisition proceedings were initiated during the pendency of the earlier acquisition proceedings themselves. The subsequent acquisition proceedings constituted an independent acquisition initiated by the State Government for different public purpose and for benefit of a different beneficiary. Further, the subsequent acquisition proceedings were independently challenged by the petitioners and their predecessor in W.P. Nos.6522-6525/1998. The said petitions came to be dismissed and confirmed in writ appeal. Therefore, the earlier writ petitions declared the lapse of the acquisition proceedings initiated for the benefit of CITB / BDA. Therefore, even assuming that the sale deed executed by the BDA becomes questionable in light of the lapse of earlier acquisition proceedings, the said circumstances by itself would not defeat or extinguish the rights flowing from the subsequent notification proceedings initiated by the State Government in favour of respondent No.5. In substance, the sale deed executed by the BDA becomes a matter of lesser

consequence, because of the real source of title and authority asserted by respondent No.5 is not merely the conveyance executed by BDA, but the subsequent acquisition proceedings independently initiated by State Government and vesting claim thereunder pursuant to Section 16 of the LA Act.

41. The Apex Court has consistently held that once possession is taken under Section 16 and vesting occurs, the land vests in the Government free from all encumbrances and therefore, can originally be no divesting thereafter.

Point No.iii:

42. The concept of vesting in the present case requires careful examination. Insofar as the earlier acquisition proceeding initiated for CITB/BDA was concerned, once the acquisition proceedings were declared as lapsed under Section 11A, vesting claim thereunder would not survive. Therefore, the BDA cannot continue to independently assert title solely on the basis of the earlier

acquisition proceedings. However, the respondents are not resting their claim upon the earlier acquisition proceedings. The respondents rely upon the subsequent acquisition proceedings initiated in the year 1995. The respondents have produced material showing:

- (i) An award has been passed;
- (ii) Possession mahazar dated 12.07.2005 has been drawn,
- (iii) Section 16 (2) notification dated 15.07.2005 has been issued and the possession has been handed over to the acquiring body.

43. In the suit in O.S. No.2864/2008, it has been held that the petitioners are not in possession and the said order has attained finality.

44. Under Section 16 of the LA Act, once possession is taken after passing of the award, the land vests absolutely in the Government free from all encumbrances. In the present case, vesting had already taken place earlier. The law

relating to vesting has been authoritatively explained by the Apex Court in ***Sube Singh Vs. State of Haryana***³ (***Sube Singh***).

45. In the earlier proceedings, possession had been taken, and consequently, vesting became complete both as to title and possession. Thus, in the present case, there was vesting under the earlier acquisition proceedings, and what remained was only the passing of the award, which had not taken place within the prescribed time. However, pursuant to the fresh and independent acquisition proceedings, possession was again taken under Section 16 of the LA Act. Therefore, this Court is satisfied that vesting in favour of the Government/acquiring authority had occurred.

Point No.iv:

46. The petitioners heavily rely upon the fact that earlier proceedings initiated by CITB/ BDA has been declared as lapsed, no doubt, once the earlier acquisition had lapsed,

³ 2006 (3) SCC 178

the BDA could not have independently asserted title flowing solely from the said acquisition. However, the subsequent acquisition proceedings independently survived and culminated in vesting under Section 16 of the LA Act. The principles governing ***Sulochana Chandrakant Galande*** squarely apply to the petitioners' case.

47. It is true that the BDA acquisition proceedings had lapsed. The competence of the BDA to execute the sale deed was solely on the strength of the earlier acquisition proceedings and therefore, the source of title under the earlier acquisition became doubtful. However, the subsequent acquisition proceedings independently survived, and the land stands vested with the government-acquiring body pursuant thereto.

48. Further adjudication regarding the validity of the sale deed, the source of title, *inter se* rights between governmental authorities and the legality of conveyance, would involve disputed questions of fact and title, which

cannot be appropriately adjudicated in exercise of writ jurisdiction. The petitioners have also instituted O.S. No.2864/2008 seeking injunction and the Civil Court dismissed the suit, holding against the petitioners' claim regarding possession and therefore, no mandamus, as sought by the petitioners can be granted in the present writ jurisdiction and the points framed for consideration are answered accordingly.

49. For the foregoing reasons, this Court is of the considered view that the writ petitions are devoid of merit and accordingly, writ petitions stand ***dismissed***.

Sd/-

JUSTICE K.S. HEMALEKHA