



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 13TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE R. NATARAJ

WRIT PETITION NO. 17763 OF 2024 (LA-KIADB)

BETWEEN:

SRI. KUNAL B.
S/O SRI. H.D. BALAKRISHNE GOWDA,
AGED ABOUT 33 YEARS,
RESIDING AT NO.12,
80 FEET ROAD,
MKP STREET,
PADMANABHANAGAR,
BSK II STAGE,
BENGALURU-560070

...PETITIONER

(BY SRI. T. SESHAGIRI RAO, ADVOCATE)

AND:

1. STATE OF KARNATAKA
REPRESENTED BY THE PRINCIPAL SECRETARY
TO INDUSTRIES AND COMMERCE DEPARTMENT,
DR. B.R. AMBEDKAR VEEDHI,
BENGALURU -560001
2. THE KARNATAKA INDUSTRIAL AREA
DEVELOPMENT BOARD
1ST FLOOR, MHARSHI ARAVIND BHAVAN,
NRUPATHUNGA ROAD,
BENGALURU-560001
REPRESENTED BY ITS CEO
3. THE SPECIAL LAND ACQUISITION OFFICER
KARNATAKA INDUSTRIAL AREA DEVELOPMENT BOARD,
KRS ROAD, NEAR VIKRANTH TYRE FACTORY,
METAGALLI, MYSURU-570016.



4. THE NANDI INFRASTRUCTURE CORRIDOR
ENTERPRISES (NICE)
NO.1, MIDFORD HOUSE
MIDFORD GARDENS,
OFF M.G.ROAD, BENGALURU-560001.
REPRESENTED BY ITS MANAGING DIRECTOR
REGD. UNDER COMPANIES ACT, 1956

...RESPONDENTS

(BY SRI. H.L.PRADEEP KUMAR, ADVOCATE FOR RESPONDENT NOS.1
TO 3;

SRI. NITIN PRASAD, ADVOCATE FOR RESPONDENT NO.4)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE
CONSTITUTION OF INDIA PRAYING TO QUASH THE PRELIMINARY
NOTIFICATION DATED 03.07.1999 IN NO. CI.196 SPQ 98 ISSUED BY
THE RESPONDENT NO.2 AND A COPY OF WHICH IS PRODUCED AT
ANNEXURE-B SO FAR IT RELATES TO PETITION LANDS.

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

CORAM: HON'BLE MR. JUSTICE R. NATARAJ

ORAL ORDER

The petitioner has called in question the preliminary
notification bearing No.CI:196:SPQ:1998 dated 03.07.1999
issued by the respondent No.2 under Section 28(1) of the
Karnataka Industrial Areas Development Act, 1966 (henceforth
referred to as 'the KIAD Act').

2. The petitioner claims that he is the absolute owner
of land bearing Sy.Nos.49/2, 49/7, 49/9, 79/1, 79/6, 79/7,



80/2, 80/3, 80/4, 82/4, 82/7, 84/4, 419 and 420 of Hebbadi Village, Srirangapatna Taluk, Mandya district. He claims that respondent No.2 had issued a notification proposing under Section 28(1) of the KIAD Act, proposing to acquire aforesaid lands, in terms of a notification dated 03.07.1999. He contends that even after 25 years, the respondents did not issue any final notification under Section 28(4) of the KIAD Act. He contends that the respondents have thus abandoned the acquisition. He contends that similarly placed land losers had approached this Court in various Writ Petitions and that this Court in W.P.Nos.29365/2024, 29385/2024, 28886/2024 and 5223/2020 quashed the preliminary notification. The petitioner has therefore challenged the preliminary notification.

3. Learned counsel for the petitioner reiterated the above submissions and submitted that after issuance of a preliminary notification, the respondent No.1 has not taken any steps to issue the final notification and therefore, the petitioner cannot be kept waiting endlessly. He therefore submits that the acquisition has lapsed and prays for a declaration to that effect.



4. The learned counsel for the respondent Nos.1 to 3 does not dispute the fact that after issuance of a preliminary notification no steps are taken to issue a final notification. They also do not dispute that similar questions of fact and law arose for consideration in W.P.Nos.29365/2024, 29385/2024 and 28886/2024 and that this Court had quashed the preliminary notification and allowed the land losers to utilize their land.

5. The learned counsel for respondent No.4 on the other hand contended that the delay in issuing the final notification is only attributable to the respondent Nos.1 and 2 and therefore liberty be reserved to respondent No.4 to take necessary action against the respondent Nos.1 and 2.

6. I have considered the submissions of the learned counsel for the petitioner as well as learned counsel for the respondent Nos.1 to 3 and learned counsel for respondent No.4.

7. It is not in dispute that after a preliminary notification dated 03.07.1999 issued by the respondent No.1 under Section 28(1) of the KIAD Act, no steps are taken to issue a final notification. As rightly contended by the learned



counsel for the petitioner, the petitioner cannot be kept waiting endlessly and he cannot be deprived of the use of his land for whatever purpose that he intends to. Therefore, the proposal to acquire the land of the petitioner has remained a proposal and the acquisition has not been concluded. Consequently, the petitioner is entitled to utilize his land for whatever purpose that he desires.

8. In view of the above, the following order is passed:

ORDER

- i. The petition is ***allowed***;
- ii. The impugned preliminary notification bearing No.CI:196:SPQ:1998 dated 03.07.1999 issued by the respondent No.1, in respect of the property bearing Sy.Nos.49/2, 49/7, 49/9, 79/1, 79/6, 79/7, 80/2, 80/3, 80/4, 82/4, 82/7, 84/4, 419 and 420 of Hebbadi Village, Srirangapatna Taluk, Mandya district, is quashed;
- iii. It is also declared that the proposal to acquire the aforesaid land has lapsed. Consequently, any



entry of the name of the respondent No.1 or the respondent No.2 in the revenue records of the aforesaid land shall stand deleted and the name of the petitioner shall stand restored forthwith;

- iv. The respondent No.4 is at liberty to proceed against the respondent No.1 and 2 for not taking out necessary steps to conclude the acquisition.
- v. In view of disposal of main petition, pending interlocutory applications if any, do not survive for consideration and the same stand rejected.

Sd/-
(R. NATARAJ)
JUDGE