

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 1st DAY OF OCTOBER, 2026

PRESENT

THE HON'BLE MRS. JUSTICE ANU SIVARAMAN

AND

THE HON'BLE MR. JUSTICE VENKATESH NAIK T

WRIT APPEAL NO. 1208 OF 2021 (LA-BDA)

BETWEEN:

1. BANGALORE DEVELOPMENT AUTHORITY
KUMARA PARK WEST,
T. CHOWDAIAH ROAD,
BANGALORE - 560020.
REPRESENTED BY ITS COMMISSIONER.
2. THE SPECIAL LAND ACQUISITION OFFICER
BANGALORE DEVELOPMENT AUTHORITY,
KUMARA PARK WEST,
T. CHOWDAIAH ROAD,
BANGALORE - 560020.

...APPELLANTS

(BY SRI. MURUGESH V. CHARATI, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REPRESENTED BY ITS PRINCIPAL SECRETARY,
DEPARTMENT OF HOUSING
AND URBAN DEVELOPMENT,
VIKASA SOUDHA, M S BUILDING,
DR. B. R. AMBEDKAR VEEDHI,
BENGALURU- 560001.
2. SRI. A. R. NANDA KUMAR
S/O LATE A.V. RAMA REDDY,
AGED ABOUT 66 YEARS,
R/AT NO.138/2, AET COLLEGE ROAD,

Digitally signed
by
NAGARATHNA
M
Location: High
Court of
Karnataka



BEHIND GEAR COLLEGE,
DODDAKANNAHALLI,
BENGALURU-560 035.

...RESPONDENTS

(BY SRI. VIKAS ROJIPURA, AGA FOR R1;
SRI. TOMY SEBASTIAN, SENIOR COUNSEL FOR
SRI. MELANI SEBASTIAN, ADVOCATE FOR R2)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT PRAYING TO 1. SET-ASIDE THE ORDER DATED:14.12.2020 PASSED BY THE HON'BLE LEARNED SINGLE JUDGE IN WRIT PETITION NO.48932/2014 (LA-BDA) AND ALLOW THE WRIT APPEAL BY DISMISSING THE WRIT PETITION. 2.GRANT ANY SUCH OTHER RELIEFS AS THIS HON'BLE COURT DEEMS FIT UNDER THE FACTS AND CIRCUMSTANCES OF THE CASE.

THIS WRIT APPEAL HAVING BEEN HEARD AND RESERVED ON 03.08.2026, COMING ON FOR PRONOUNCEMENT, THIS DAY, THE **VENKATESH NAIK T. J.,** PRONOUNCED THE FOLLOWING:

CORAM: HON'BLE MRS. JUSTICE ANU SIVARAMAN
and
HON'BLE MR. JUSTICE VENKATESH NAIK T

CAV JUDGMENT

(PER: HON'BLE MR. JUSTICE VENKATESH NAIK T)

This writ appeal is filed by the Bengaluru Development Authority(BDA) challenging the order dated 14.12.2020 passed

in W.P.No.48932/2014 by the learned Single Judge, wherein the learned Single Judge allowed the writ petition. The operative portion of the order dated 14.12.2020 reads as under:

ORDER

(i) Petition is allowed.

(ii) The impugned preliminary notification dated 15.12.1984 at Annexure-B and final notification dated 28.11.1986 at Annexure-C issued by the BDA and acquisition proceedings pursuant thereto are hereby quashed as having been abandoned and lapsed in respect of the subject land of the petitioner bearing Sy.No.3/1B measuring 4 guntas situated at Agara village, HSR Layout, Bangalore, is concerned.

No costs.

2. Being aggrieved by the impugned order, the appellant-BDA has filed this appeal.

3. The brief facts of the case in the nutshell is as under:

Sri. A.V. Rama Reddy, the father of respondent No.2 purchased schedule property i.e., 4 guntas of land in Survey No.3/1B of Agara Village, Begur Hobli, Bengaluru South Taluk, under a registered sale deed dated 13.02.1946. Since the date of purchase, Rama Reddy was in possession of the property

and after his demise, in the year 1960, respondent No.2 continued in possession of the said property.

4. In the mean-while, the BDA issued a notification under Section 17 of the BDA Act for formation of HSR Layout vide Preliminary Notification dated 15.12.1984 and Final Notification dated 28.11.1986 under Section 19 of the BDA Act. The said land was also notified for acquisition, but strangely, no notice was served on respondent No.2. Later, the lands adjacent to land of respondent No.2 had been dropped from the purview of the acquisition by the BDA and as such, respondent No.2 made several representations to BDA requesting to drop his land from the acquisition proceedings as his land was similarly situated as that of adjoining lands, which were dropped from acquisition proceedings.

5. As the representations and requests made by respondent No.2 were not considered by the BDA, the respondent No.2 herein and his brother Sri. A.R. Nanda Kumar filed W.P.No.24408/2005 before this Court seeking for a writ of mandamus to direct BDA to consider their representations dated 19.08.1994 and thereafter to reconvey the lands in Sy.No.3/1B to an extent of 40'x 60' ft in Agara village, acquired for formation of H.S.R. Layout. The said writ petition came to

be allowed by order dated 10.02.2006, by directing the BDA to consider the representations filed by the petitioners dated 19.08.1994 in accordance with law and it was also directed that the consideration of such representation shall be conveyed to the petitioners within three months. However, as the representations again were not considered, they made several requests to BDA to consider their representations. Thereafter also, the BDA failed to consider their representation. Hence, the respondent No.2 and his brother were constrained to file another writ petition in W.P.No.16706/2010 seeking a direction to drop their land from the purview of acquisition. This Court after hearing, by order dated 07.06.2010 in W.P.No.16706/2010, once again, directed the BDA to consider their representation in accordance with law. Thereafter also, respondent No.2 filed a representation to BDA, however, the said representation was rejected by an endorsement dated 09.12.2010. Aggrieved by the rejection of his representation, the respondent No.2 filed writ petition in W.P.No.161/2011 before this Court, assailing the endorsement dated 09.12.2010, however, he withdrew the said writ petition. Thereafter, the respondent No.2 once again filed a writ petition in W.P.No.48932/2014 before this Court to quash the acquisition

proceeding in respect of his land measuring 4 guntas situated at Sy.No.3/1B, Agara Village, H.S.R. Layout, as the respondents have abandoned the scheme insofar as the petitioner's land is concerned and that the acquisition under the BDA Act was deemed to have been lapsed pursuant to Section 24 of the Right to Fair Compensation and Transparency in Land acquisition, Rehabilitation and Resettlement Act, 2013 (Act 30/2013). The learned Single Judge allowed the writ petition by order dated 14.12.2020 and quashed the acquisition proceedings in respect of land of respondent No.2.

6. Being aggrieved by the order passed by the learned Single Judge, the appellant/BDA has preferred this appeal.

7. Heard the learned counsel Sri. Murugesh V. Charati, for the appellant/BDA and learned Addl. Government Advocate Sri. Vikas Rojipura, for respondent No.1-State and Sri. Tomy Sebastian, learned Senior Counsel for Sri. Melani Sebastian, learned counsel for respondent No.2.

8. Sri Murugesh V. Charati, learned counsel for the appellant BDA vehemently contended that the learned Single Judge, without considering the material facts, has allowed the writ petition by holding that the acquisition proceedings in

respect of land of respondent No.2 have lapsed, without there being any material particulars.

9. Further, he contended that the writ petition was filed by respondent No.2 after a lapse of 30 years from the date of initiation of the acquisition proceedings and therefore, the writ petition filed by respondent No.2 herein ought to have been dismissed on the ground of delay and laches. The property in question measures 4 guntas and the BDA has formed a layout on the land of respondent No.2 as well as on the adjoining lands, and hence, the learned Single Judge ought not to have declared that the acquisition proceedings had lapsed without there being any material placed before the Court.

10. It is further contended that in the earlier rounds of litigation initiated by respondent No.2, he had sought for reconveyance of the property from the BDA, which was sufficient to establish that the property had vested with the BDA, under such circumstances, the writ petition filed by respondent No.2 herein for a declaration that the acquisition proceedings in respect of notified land has lapsed, was not maintainable. Further, the learned Single Judge failed to notice that the adjoining survey numbers are still a part of the acquisition proceedings and have been earmarked for future

development. The learned Single Judge was therefore not justified in coming to a conclusion that the BDA had not utilized the adjoining properties.

11. It is further contended that the learned Single Judge virtually invoked Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, which is not applicable to the acquisition initiated under the BDA Act. It is contended that the acquisition proceedings are concluded and respondent No.2 has not made out any grounds for a declaration to notify his lands as lapsed. The respondent No.2 being aware of the acquisition proceedings had remained silent for almost 30 years. Further respondent No.2 has not mentioned the cause of action to file the writ petition and hence, in the absence of any cause of action to file the writ petition, the learned Single Judge ought not to have entertained the writ petition.

12. It is further contended that, the learned Single Judge has also failed to note that the writ petition was filed by the Power of Attorney Holder of the property and not by the notified khathedar of the property. It is also admitted by respondent No.2 in his representations that the BDA has

formed the road and utilized his property. When respondent No.2 himself admits the fact that the possession of his property has been taken over by the BDA, the declaration that the acquisition proceedings have lapsed is bad in law. The respondent No.2 had filed the writ petition seeking for a declaration for the entire property without excluding the land, which is admittedly utilized by the BDA. On all these grounds, learned counsel for the appellant-BDA prayed to allow the writ appeal.

13. Per contra, learned Senior Counsel for respondent No.2 vehemently contended that despite the preliminary notification and final notification in respect of the subject land bearing Survey No.3/1B measuring 4 guntas situated at Agara Village, HSR Layout, Bengaluru having been issued as far back as on 15.12.1984 and 28.11.1986, respectively, the BDA has neither passed an award nor taken possession of the subject land from him, who is the khathedar of the land and paying the property tax. It is contended that the acquisition proceedings in respect of adjacent lands have been withdrawn/denotified, which is evident from the documents vide Annexures E to E3.

14. It is further contended that despite the earlier orders of this Court passed in WP.No.24408/2005 dated 10.02.2006 and WP.No.16706/2010 dated 07.06.2010 directing the BDA to consider the representation of respondent No.2 to drop the subject land from the acquisition proceedings, the BDA has not taken any steps in that regard, and as such, he was constrained to file the writ petition. The learned Single Judge, considering all aspects of the matter, has rightly allowed the writ petition and quashed the preliminary notification and final notification issued by the BDA. Hence, learned Senior Counsel for respondent No.2 prayed to dismiss the appeal.

15. In view of the submissions made by learned counsel for the appellant-BDA, learned Addl. Government Advocate appearing for respondent No.1/State and learned Senior Counsel for respondent No.2, the following point would arise for our consideration:

"Whether the appellant-BDA has made out sufficient grounds to interfere with the order passed by the learned Single Judge on the ground that the same is not in accordance with law?"

16. A perusal of the order dated 14.12.2020 passed in W.P.No.48932/2014 by learned Single Judge, more particularly at paragraph No.5, the learned Single Judge observed as under:

"Paragraph 5: As rightly contended by the learned counsel for the petitioner, having regard to the aforesaid material on record, it is clear that the acquisition proceedings insofar as the subject land of the petitioner is concerned has been abandoned by the BDA and the same having lapsed, they deserve to be quashed."

17. A perusal of the aforesaid order clearly demonstrates that the learned Single Judge without there being any verifiable material on record to substantiate the same, proceeded to make the aforesaid observations. Admittedly, it is not in dispute that the father of respondent No.2 was the owner of the property, which was purchased by him for a valuable consideration under a registered sale deed. It is also not in dispute that the BDA acquired certain lands in Agara village including the land of respondent No.2. It is also not in dispute that in the earlier writ petitions, the learned Single Judge in both the writ petitions filed by respondent No.2, directed the

BDA authorities only to consider his representation instead of cancelling or dropping the acquisition notification.

18. Admittedly, the acquisition proceedings commenced in the year 1984 and the writ petition was filed for dropping of acquisition notifications by respondent No.2 in the year 2014, i.e., almost after 28 years of the final notification.

19. A perusal of the letter of respondent No.2 and his brother dated 15.05.2006 (Annexure J) addressed to the appellant BDA, it clearly demonstrates that, a request was made to BDA to reconvey the land measuring 40' x 60' feet in Survey No. 3/1B, Agara Village, HSR Layout, Bengaluru in favour of them. It is also stated therein that, the respondent No.2 and his brother are the owners of Survey No.3/1B of Agara Village, Bangalore South Taluk, which was acquired by the BDA for the formation of H.S.R. Layout, the entire survey number measures 4 guntas, out of which, a portion of the property has been utilised for the formation of a road and the remaining extent i.e., 40' x 60' feet is left out and the possession thereof has not been taken over by the BDA, though the land in question was acquired by it.

20. In Annexure-J, the representation of respondent No.2, it is stated that the BDA has allowed respondent No.2 to construct the shops in the site measuring 40' x 60' feet in Survey No.3/1B of Agara Village. It is also stated that respondent No.2 and his brother have constructed four shops and leased out the same to the tenants. It shows that, though the land measuring 4 guntas in Survey No.3/1B of Agara Village was notified and subsequently treated as lapsed, only an extent of 40' x 60' feet is left out by the BDA and the rest of the lands were acquired for widening of the road in HSR Layout.

21. In WP No.16706 of 2010 filed by respondent No.2 and his brother, the learned Single Judge by order dated 07.06.2010 observed at paragraph No.2 that respondent No.2 have prayed for directing the BDA to consider their representations vide Annexure-F dated 19.08.1999, Annexure-G dated nil and Annexure-K dated 15.05.2006, and also prayed for directing BDA to reconvey the land measuring 40' x 60' feet bearing Survey No.3/1B of Agara Village, HSR Layout. Hence, it is clear that 4 guntas of land is not available in Survey No.3/1B and only land measuring 40' x 60' feet is available.

22. As per Annexure-R1- Award under Section 11 of the Land Acquisition Act, the Special Additional Land Acquisition Officer, Bangalore Development Authority, Bangalore has stated that the land in Survey No.38 of Agara Village, Begur Hobli, Bengaluru South Taluk, which is adjacent to the notified land, has been acquired by the Special Land Acquisition Officer, Bengaluru in favour of the Bengaluru Water Supply and Sewerage Board (BWSSB), Bengaluru for Sewerage Treatment Plant (STP) dated 08.02.1982, and the award for a sum of Rs.50,000/- has been passed and approved by the Special Deputy Commissioner, Bengaluru on 13.03.1986.

23. As per Annexure-R2 dated 20.04.1987, the Special Additional Land Acquisition Officer, BDA, Bengaluru issued award notice stating that the land in Sy.No.3/1B measuring 4 guntas of Agara Village, HSR Layout has been acquired and award has been passed at Rs.8,112/- by the Special Addl. Land Acquisition Officer, BDA, Bangalore, which was also deposited in BDA.

24. In addition to the above, the father of respondent No.2 also requested the Special Land Acquisition Officer, Bengaluru for enhancement of compensation, as can be seen

from document Annexure-R6 dated 18.02.1989, wherein it is stated that, the reference under Section 18 of LA Act relating to the acquisition of 4 guntas of land in Survey No.3/1B of Agara Village, Begur Hobli, Bengaluru South Taluk for enhancement of compensation amount in favour of Sri. A. V. Rama Reddy is received in the office of BDA dated 17.02.1989. Therefore, the BDA directed the SLAO, Bengaluru to confirm whether the reference has been made by him, and until the confirmation letter is received from the office of SLAO, the said file shall not be re-registered for further proceedings.

25. In the above context, it is contended by respondent No.2 that not only their land, but the adjoining lands were also acquired for the formation of HSR Layout, and the adjacent lands, i.e., Muslim masjid, burial grounds and also apartments, were left out and reconveyed to them, and the BDA is not using the adjacent properties for formation of HSR Layout. In that context, respondent No.2 and his brother requested the BDA to reconvey the land measuring 40' x 60' feet in Survey No.3/1B of Agara Village. In the aforesaid representation, respondent No.2 and his brother have

taken the contention that the BDA had not considered their representation.

26. Furthermore, as per Annexure-R10 dated 05.09.2007, an endorsement was issued by the Special Land Acquisition Officer, Bangalore Development Authority, Bangalore, wherein it is stated that upon examining the documents of the Land Acquisition officer, it could be seen that land measuring 4 guntas in Survey No.3/1B of Agara Village, Begur Hobli, Bengaluru South Taluk has been notified in Preliminary Notification and Final Notification for formation of HSR Layout and the award has been approved, the compensation amount has been deposited in City Civil Court, Bengaluru, and thus the land acquisition proceedings stood completed and the land vested with the BDA. In the said letter, it is also stated that as per Court order, for request of re-grant, there is no resolution of the BDA regarding re-grant of land measuring 4 guntas in Survey No.3/1B of Agara Village, nor the land was covered under Amendment Bill 38C.

27. As per Annexure-R13 dated 13.01.2011, the letter of the Deputy Commissioner(LAQ), BDA to the Additional Chief Secretary to Government, Urban Development Department, Vikas Soudha, Bengaluru, wherein it is stated that for acquiring

the land measuring 4 guntas in Survey No.3/1B of Agara Village, by the BDA for formation of HSR Layout, preliminary notification and final notification have been issued, award has been approved to the said land, the land has been handed over to Engineering/Technical Section on 30.04.1987, and notification has been passed under Section 16(2) of Land Acquisition Act dated 27.09.1987. The total extent of land of Survey No.3/1B was 4 guntas, but entire land was acquired and only an extent of 40' x 60' is available as per the contention of respondent No.2 and there is one unauthorized building in the land at the time of spot inspection and that as all litigations ended and disposed of in favour of the Bengaluru Development Authority, the BDA has taken action for eviction of unauthorized building on the said land as the land is situated adjacent to Outer Ring Road and Agara Village, and as the same is a corner site, which is a valuable commercial site, and as the said area is adjacent to Outer Ring Road, peripheral road, the drainage, water, and electricity supply facility were provided at the cost of Government and the property in question is very much necessary for BDA for further establishment. It shows that respondent No.2 had filed the writ petition after lapse of 28 years from the date of initiation

of the acquisition proceedings. In the writ petition, the petitioner had claimed in all 4 guntas of land, but the BDA acquired the entire property except the land measuring 40' x 60' feet. Therefore, all the lands have been acquired for the formation of HSR Layout. The learned Single Judge ought not to have declared that the acquisition proceedings have lapsed without there being any material placed before the Court.

28. Further, in the earlier round of litigation also, the writ petitioner/respondent No.2 had sought for reconveyance of the property from the BDA, but failed, and respondent No.2 could not succeed in the writ petition.

29. Further more, to seek a declaration that acquisition proceedings have lapsed, it must be established that the authority failed to execute the scheme. Whereas in the instant case, the BDA has executed the scheme in its entirety and respondent No.2 has placed no documentary evidence on record to demonstrate any failure of implementation of scheme. In fact, the BDA has allotted the sites in favour of the general public and acquisition proceedings have concluded. In fact, the acquisition proceedings are initiated under the BDA Act and not under the Land Acquisition Act. Thus, the learned

Single Judge virtually invoked Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, which is not applicable to the acquisition initiated under the BDA Act, as held by the Hon'ble Apex Court in Civil Appeal Nos.7661-7663/2018. It clearly demonstrates that when respondent No.2 himself admits the fact that possession of the property has been taken over by the BDA, the declaration that the acquisition proceedings have lapsed is bad in law. Further, respondent No.2 filed the writ petition seeking declaration for the entire property without excluding the land, which is admittedly utilized by the BDA. Hence, the learned Single Judge, without looking into the material particulars, has allowed the writ petition, which requires interference at the hands of this Court.

Hence, we proceed to pass the following:

ORDER

1. The appeal is ***allowed***.
2. The order dated 14.12.2020 passed by learned Single Judge in W.P.No.48932/2014(LA-BDA) is set-aside.

3. No order as to costs.

Pending IAs, if any, are disposed of, as they do not survive for consideration.

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

**Sd/-
(VENKATESH NAIK T)
JUDGE**

*MN/-