



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. 54439 OF 2014 (LA-KHB)

BETWEEN:

SMT. MARYJAYANTHI
W/O R. ANTHONY RAJ,
AGED ABOUT 44 YEARS,
R/AT NO.757, 17TH 'A' CROSS,
NEXT TO J.J. APARTMENT,
38TH MAIN ROAD,
6TH PHASE, J.P. NAGARA,
BANGALORE-78

...PETITIONER

(BY SRI. LOKESHA G., ADVOCATE)

AND:

1. THE COMMISSIONER
KARNATAKA HOUSING BOARD,
CAUVERY BHAVANA,
K G ROAD, BANGALORE-09
2. THE SPECIAL LAND ACQUISITION OFFICER
KARNATAKA HOUSING BOARD,
CAUVERY BHAVANA,
K G ROAD, BANGALORE-09
3. SRI. G. VENKATESHWARLU
S/O NARASIMHULU,
AGED ABOUT 50 YEARS,
R/AT NO.656, 11TH MAIN,
HAL 2ND STAGE, INDIRANAGAR,
BANGALORE-38
4. SRI H.N. SARABHA REDDY
S/O N.H.P. SHIVA REDDY,

Digitally
signed by
HEMALATHA J
Location:
HIGH COURT
OF
KARNATAKA



AGED ABOUT 38 YEARS,
R/AT NO.C-17, KUDREMUCKH COLONY,
KORAMANGALA, BANGALORE-34

...RESPONDENTS

(BY SRI. SHARAN N. MAJAGE, ADVOCATE FOR RESPONDENT NOS.1
AND 2;

VIDE ORDER DATED 06.03.2018, PETITION AGAINST RESPONDENT
NOS.3 AND 4 STAND DISMISSED)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227
OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE
ENDORSEMENT DATED 24.04.2013 ISSUED BY THE RESPONDENT
NO.2 VIDE ANNEXURE-A AND ETC.

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 sought for a writ in the nature of
certiorari to quash an endorsement dated 24.04.2013 issued by
respondent No.2 by which, she was informed that a layout is
already formed in Sy.Nos.128, 136 and 137 of Lingapura village
and that allotments are already made on 24.12.2010 and
therefore, the site purchased by her cannot be returned or re-
conveyed. Petitioner has also sought for a writ in the nature of
mandamus to direct respondent No.1 to consider her
representation dated 10.12.2012 and allot an alternate site.



2. (i) Petitioner contends that respondent No.3 was the owner of land in Sy.Nos.128, 136 and 137 of Lingapura Village, Kasaba Hobli, Anekal Taluk and he got it converted from the local panchayat on 06.10.1996 for residential use on 24.04.1996 and obtained sanction of a layout for formation of residential sites. Petitioner claims that she purchased a Site No.16 in Block - A, measuring 34' x 40' from respondent No.3 in terms of a sale deed dated 09.08.2006. After purchase, khata of the property was transferred to her name and she started paying the property tax from the year 2006-07. She claims that she later came to know from the adjacent owners that respondent No.1 had acquired the sites formed in the aforesaid survey numbers and respondent No.2 had have formed a layout. Thereafter, the petitioner sought information under the Right to Information Act, 2005 regarding the acquisition proceedings conducted by respondent Nos.1 and 2. The petitioner claims that the respondent No.2 except furnishing the preliminary and final notifications did not furnish any information as sought in the application. She thereafter made a representation dated 10.12.2012 and requested the respondent No.1 to allot an alternate site in lieu of acquisition



of her site bearing No.16. The respondent No.2 issued an endorsement dated 24.04.2013 refusing to allot an alternate site to the petitioner on the ground that the layout is already formed and sites are already allotted.

(ii) Petitioner being aggrieved by the said endorsement has filed this petition. She has also sought for a direction to respondent No.1 to consider her representation dated 10.12.2012 to allot an alternate site.

3. The learned counsel for the petitioner reiterated the above contentions and submitted that the land bearing Sy.Nos.128, 136 and 137 of Lingapura village was converted long prior to the acquisition of the land and a residential layout was already formed after obtaining appropriate sanction from the Panchayat. He therefore, contends that the respondent Nos.1 and 2 cannot proceed with the acquisition of the aforesaid land and are bound to re-convey the site to the petitioner or allot an alternate site to her.

4. (i) A statement of objections is filed by the respondent Nos.1 and 2, who contend that a preliminary notification was issued on 01.04.2005 proposing to acquire the



aforesaid land and declaration was thereafter issued on 02.11.2006 under Section 6 of the Land Acquisition Act, 1894, which was published in the Karnataka Gazette on 09.11.2006. It is contended that proceedings were undertaken for passing an award. It is claimed that the petitioner was aware of the final notification, but yet she proceeded to purchase the property. It is contended that this petition is filed on 24.11.2014 i.e., after eight years from the date of issuance of the final notification. Hence, it is submitted that the petition is hit by delay and laches. It is also claimed that the petitioner has no *locus standi* as she has purchased the property after a preliminary notification was issued.

(ii) Without prejudice to the above, it is contended that the respondent No.1 issued a notification bearing No.KHB.LAQ.1/05-06 dated 01.04.2005 proposing to acquire a vast extent of 829.39 acres of land at Hinnakki, Marasoor and Lingapura villages, Jigani, Kasaba Hobli, Anekal Taluk, Bengaluru District for the purpose of a housing scheme of the Karnataka Housing Board. The said notification was published in the Karnataka Gazette on 28.04.2005. In Lingapura village, an extent of 60 acres 14 guntas of dry and kharab land was



notified for acquisition. It is contended that an enquiry was held by the respondent No.2 under Section 5 of the Land Acquisition Act by issuing notices to the notified khatedars and anubhavadars and after taking all steps required, a report was submitted by respondent No.2 for acquisition of the land. The respondent No.1, after being satisfied about the purpose of acquisition, issued a final declaration dated 02.11.2006 in the names of persons including the respondent No.3, whose name appeared in the preliminary notification. Thereafter, award was passed and possession of Sy.Nos.128, 136 and 137 was taken. As per the report submitted by the Executive Engineer, KHB, Suryanagara vide his letter dated 29.09.2012, it is claimed that a layout is formed and thereafter allotments are made to allottees who have got registered sale deeds in their names.

(iii) It is contended that some private site owners had filed W.P.No.23460/2013, W.P.No.23461/2013 and W.P.Nos.32411-32419/2013 and this Court in terms of an order dated 02.08.2013 directed appropriate action to be taken in accordance with law. In obedience to the said order, the respondent Nos.1 and 2 issued endorsement dated 25.06.2014 stating that it is not possible to return or re-convey the sites



and that if the petitioners therein submitted all original documents, steps would be taken to award the compensation. It is claimed that several applications were made by private site owners of land in Sy.Nos.128, 136 and 137 situate at Lingapura village and they have requested to allot alternate sites in any other layout formed by the Karnataka Housing Board. This was brought before the 455th Board meeting at Subject No.9. The Board after a discussion, resolved that there is no provision in the Karnataka Housing Board Act, 1962 to allot alternate site to the site owners, instead compensation could be granted. Hence, the Board decided to reject all the applications.

(iv) The respondent Nos.1 and 2 contend that the petitioner has purchased the site after a preliminary notification under Section 4(1) of the Land Acquisition Act was issued and hence, she is not entitled to challenge the authority of the respondent Nos.1 and 2.

5. The learned counsel for respondent Nos.1 and 2 reiterated the above contentions.



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

7. Though the petitioner has claimed that land in Sy.Nos.128, 136 and 137 of Lingapura village were converted for non-agricultural residential use, no documents in that regard is placed on record. A solitary document that is placed on record is a plan sanctioned by the Panchayat authorizing respondent No.3 to form sites in Sy.Nos.128, 136 and 137 of Lingapura Village. The preliminary notification admittedly was issued in the year 2005 and the final notification was issued in the year 2006. Therefore, the purchase by the petitioner is post the proposal under Section 4(1) of the Land Acquisition Act. In view of the Karnataka Land (Restriction on Transfer) Act, 1991, the purchase by the petitioner does not confer any right on her.

8. Be that as it may, since there is no provision under the Karnataka Housing Board Act, 1962, allowing re-conveyance of the site or allotment of an alternate site in lieu of the acquisition of the site of the petitioner, this Court cannot show any indulgence to the petitioner by quashing the



endorsement or by issuing any direction to the respondent No.1 to consider her representation for allotment of an alternate site.

9. In that view of the matter, this petition lacks merit and is ***dismissed***. It is however open for the petitioner to claim the compensation deposited by the respondent Nos.1 and 2 before the reference Court.

Sd/-
(R. NATARAJ)
JUDGE