



CNR: KAHC010439572023

NC: 2026:KHC:40380
WP No. 18906 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 3RD DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE R. NATARAJ

WRIT PETITION NO.18906 OF 2023 (LA-BDA)

BETWEEN:

1. SRI.T. MOHAN RAJ,
SON OF THAMANNA,
AGED 60 YEARS,
R/AT R.S PALYA,
KUVENGUR ROAD,
BENGALURU - 560 033.
2. SRI. SUBRAMANY,
S/O MUNISWAMAPPA,
AGED 62 YEARS,
R/AT SONAPPA COMPOUND,
OIL MILLS ROAD, SAITPALYA,
BENGALURU - 560 084.
3. SRI. M. RAJGOPAL,
S/O V. PATEL V. MUNIVENKATAPPA,
AGED ABOUT 70 YEARS,
R/AT PATEL MUNIVENKATAPPA LAYOUT,
NAGWARA, BENGALURU - 560 045.

Digitally
signed by
HEMALATHA
J
Location:
HIGH COURT
OF
KARNATAKA

(BY SRI.MADHU R., ADVOCATE)

...PETITIONERS

AND:

1. STATE OF KARNATAKA,
URBAN DEVELOPMENT DEPARTMENT,
M.S. BUILDING, VIDHANA VEEDHI,
BENGALURU - 560 001.
REP. BY ITS SECRETARY
2. BENGALURU DEVELOPMENT AUTHORITY,
T. CHOWDAIAH ROAD,



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KUMARA PARK WEST,
BENGALURU - 560 001.

3. LAND ACQUISITION OFFICER,
ATTACHED TO OFFICE OF BDA,
T. CHOWDAIAH ROAD,
BENGALURU - 560 001.

...RESPONDENTS

(BY SMT.POOJA M KOORSE, HCGP FOR R1;
SMT.DEEPTI AYATHAN, ADVOCATE FOR R2 AND R3
(VAKALATH FILED FOR R2 ONLY))

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECT THE RESPONDENT NO.2 AND ITS OFFICERS TO RESTRAIN FROM FORMING ANY SITES IN THE SCHEDULE LAND BELONGING TO THE PETITIONERS, MEASURING TO AN EXTENT OF 37 GUNTAS IN SURVEY NO.85/2 OF THANISANDRA VILLAGE, K.R.PURAM HOBOLI, BENGALURU EAST TALUK 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 petitioners have sought for a writ in the nature of mandamus to direct respondent No.2 and its officers not to form any sites in the schedule land belonging to the petitioners.

2. The petitioners claim that they are the owners of land measuring 37 guntas in Survey No.85/2 of Thanisandra Village, K.R.Puram Hobli, Bengaluru East Taluk. They contend that the said land was initially proposed for acquisition in terms



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of a Preliminary Notification bearing No.BDA/Commr/ALAO/LA9/104/2002-03 dated 03.02.2003. A Final Notification bearing No.UDD 193 MNX 2004 was issued on 23.02.2004, which was re-done vide No.UDD 426 MNJ 2011 dated 18.06.2014 to acquire the aforesaid land. The petitioners claim that they filed a representation following the judgment of this Court seeking exclusion of their land from acquisition. Accordingly, after due enquiry and verification of the records, respondent No.2 resolved to delete 37 guntas of land in Survey No.85/2. To this effect, an endorsement dated 14.05.2013 was issued indicating that 37 guntas of land in Survey No.85/2 was deleted from acquisition and a sketch showing the petitioners' land that was deleted was furnished.

3. The petitioners claim that they have been in continuous possession and enjoyment of the deleted land. However, the officials of respondent No.2 came to the land and started civil works for formation of a layout. On enquiry, they gave evasive replies and also claimed that the sites were formed within the portion acquired. The petitioners furnished a sketch showing that in the portion of the land belonging to



them that was deleted, Site bearing Nos.124 to 128, 129, 135 and 136 were sought to be formed. The petitioners, therefore, are before this Court seeking the aforementioned reliefs.

4. The petition is opposed by respondent No.2 who has filed a statement of objections, *inter alia*, contending that the petitioners have not presented true and correct facts and have tried to mislead this Court. It is contended that what is deleted from acquisition is 37 guntas in Survey No.85/2 and not 85/3 as contended in the writ petition. Respondent No.2 has admitted that an endorsement dated 14.05.2013 was issued by it acknowledging that 37 guntas of land in Survey No.85/2 is excluded from acquisition. It is contended that the sketch enclosed by the petitioners as Annexure-E to the writ petition indicated two parcels of land in Survey No.85/2. One portion is an open land above 12 metres road and the other is on the lower side of 12 metres road. At the bottom of the sketch, there is an observation made by the Survey Executives of respondent No.2 that there are 20 ACC houses and 6 RCC structures at the upper side of 12 metres road, which is the 37 guntas of land, which is deleted from acquisition.



5. It is contended that while considering the application of the petitioners for exclusion of their land from acquisition following the judgment of the Division Bench of this Court, a map was prepared showing the existing structures on 37 guntas of land. The respondents contend that the petitioners are well aware of the portion of their land in Survey No.85/2 that was deleted and that they are also aware that the deleted land lies on the upper side of the road. The respondents contend that the petitioners are trying to confuse the Court by making false submissions contending that respondent No.2 is trying to form sites in excluded 37 guntas of land. Along with the statement of objections, a report of an enquiry conducted by the Land Acquisition Officer is also placed on record, which discloses that as early as on 31.01.2012, the Land Acquisition Officer after a spot inspection had submitted a report that in 37 guntas of land, which the petitioners sought for deletion, there were 20 ACC sheet houses and 6 RCC houses and the land in Survey No.85/2 was excluded from acquisition as it was completely developed even before the Preliminary Notification was issued. Likewise, a representation filed by the petitioners



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on 16.11.2012 following the judgment passed by the Division Bench of this Court in W.A.No.2624/2005 and W.P.No.10115/2006 is also placed on record, wherein it is mentioned that the land in question was completely developed.

6. The learned counsel for respondent No.2 submitted that the petitioners' land measuring 37 guntas is not the one that he is presently claiming. She contends that the land in Survey No.85/2 that was excluded from acquisition is marked in the development plan and the petitioners are now trying to claim in respect of a similar extent of property, which abuts the main road. Therefore, she contends that the petitioners are trying to take undue advantage by claiming that what is excluded is not the one, which is found in the sketch.

7. I have considered the submissions made by the learned counsel for the petitioners and learned counsel for respondent No.2.

8. The petitioners had challenged the acquisition of land in Survey No.85/2 of Thanisandra Village measuring 37 guntas on the ground that it was developed prior to the



Preliminary Notification. Following the judgment of the Division Bench of this Court, which granted liberty to the land losers to seek exclusion of their lands from acquisition on the ground that it was developed prior the Preliminary Notification, the petitioners filed their representation before respondent No.2 seeking exclusion of their land on the ground that it was developed. Accordingly, the Land Acquisition Officer had inspected the land of the petitioners and had found that there were 20 ACC sheet houses and 6 RCC roof houses and that the land was fully developed much prior to the Preliminary Notification. He therefore recommended for exclusion of the land from acquisition. Accordingly, respondent No.2 had resolved to exclude 37 guntas land in Survey No.85/2 from acquisition and an endorsement was issued to the petitioners in that regard on 14.05.2013.

9. The petitioners are now trying to contend that what was excluded was not the land where houses were constructed, but an open land. The petitioners are not able to establish this fact before this Court, as in the sketch, which is enclosed along with the writ petitions as Annexure-E, 20 ACC sheet houses and



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6 RCC houses are not found in the portion marked as open land, but those 20 ACC sheet houses and 6 RCC roof houses are found in the portion above the portion marked as open land. Therefore, the petitioners cannot try to take advantage of the situation by contending that what was excluded was not the land where structures existed, but was something else.

10. In view of the above, the petitioners are not entitled to any reliefs at the hands of this Court. Consequently, the petition is ***dismissed***.

11. It is always open for the petitioners to work out their remedy in a civil suit. If the petitioners approach the Civil Court, any observation made by this Court will not come in the way of the petitioners establishing their right to any other portion.

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