



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF JANUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE S SUNIL DUTT YADAV

WRIT PETITION NO. 19143 OF 2023 (LA-KIADB)

BETWEEN:

SRI. SADANANDA C.
S/O. CHINNAPPA K. M.,
AGED ABOUT 53 YEARS,
R/O. KARIYANAYAKANAHALLI VILLAGE,
BHAVANAHALLI POST,
KASABA HOBLI, MALUR TALUK,
KOLAR DISTRICT-563 130.

...PETITIONER

(BY SRI. RAMESH KUMAR R. V., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
DEPARTMENT OF INDUSTRIES AND COMMERCE,
VIKASA SOUDHA,
DR. AMBEDKAR VEEDHI,
BENGALURU-560 001,
(BY ITS PRINCIPAL SECRETARY).
2. THE KARNATAKA INDUSTRIAL AREA
DEVELOPMENT BOARD
NO.49, 4TH AND 5TH FLOOR,
EAST WING, KHANIJA BHAVAN,
RACE COURSE ROAD,
BENGALURU-560 001,
(BY ITS MANAGING DIRECTOR).



3. THE SPECIAL LAND ACQUISITION OFFICER,
THE KARNATAKA INDUSTRIAL AREA
DEVELOPMENT BOARD,
NO.49, 4TH AND 5TH FLOOR,
EAST WING, KHANIJA BHAVAN,
RACE COURSE ROAD,
BENGALURU-560 001,
(BY ITS MANAGING DIRECTOR).

...RESPONDENTS

(BY SMT. SAVITHRAMMA, AGA FOR R1;
SRI. P.V. CHANDRASHEKAR FOR R2 AND R3)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF
THE CONSTITUTION OF INDIA PRAYING TO QUASH THE
IMPUGNED NOTIFICATION BEARING NO.C 11 SPQ 2012,
DATED 13/03/2012 ISSUED UNDER SECTION 3(1) AND 28(1)
OF THE KIADB ACT, 1966 BY THE RESPONDENTS AT
ANNEXURE-D ISSUED BY RESPONDENT NO.1.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING
IN B-GROUP, THIS DAY, ORDER WAS MADE THEREIN AS
UNDER:

CORAM: HON'BLE MR. JUSTICE S SUNIL DUTT YADAV



ORAL ORDER

The Petitioner has sought for setting aside the preliminary notification dated 13.03.2012 passed under Section 28(1) of the Karnataka Industrial Areas Development Act, 1966 (for short 'KIAD Act').

2. It is the case of the petitioner that despite the notification under Section 28(1) of the KIAD Act on 13.03.2012, till date no further steps were taken to effectuate the acquisition. Reliance is also placed on the order of the Co-ordinate Bench in W.P.No.28232/2019, disposed of on 21.12.2020, whereby the Co-ordinate Bench with respect to the very same notification under Section 3(1) and 28(1) of the KIAD Act, has passed an order observing as follows:

"5. As rightly contended by the learned counsel for the petitioner, despite issuance of the preliminary notifications as long back as on 13.03.2012, the KIADB has not taken any steps to proceed with the acquisition proceedings and has neither passed an order under Section 28(3)



*of the Act nor issued a final notification so far. In this context, having regard to the decisions of this Court in the case of **Karnataka Industrial Areas Development Board and other vs. Smt. Anitha Purnesh in W.P.No.2402/2014 dated 12.04.2016, Sri Munivenkatappa and others vs. The state of Karnataka in W.P Nos.58842-58344/2016 dated 19.07.2018, Smt Indramma and others vs. State of Karnataka in W.P Nos.10667-70/2018 dated 05.07.2019 and Sri.K.Gangadhar and others vs. State of Karnataka and others in W.P Nos.112501-112506/2014 dated 18.02.2016**, I am of the considered opinion that the impugned notification and the acquisition proceedings pursuant thereto deserve to be quashed.*

In the result, I pass the following:

ORDER

- 1. Petition is allowed.*
- 2. The impugned preliminary notification at Annexure-B dated 13.03.2012 issued by KIADB and acquisition proceedings pursuant thereto are hereby quashed insofar as the schedule properties of the petitioners are concerned."*



3. It is further submitted that the said order was upheld by the Division Bench in Writ Appeal No.67/2023.

4. Learned counsel Sri. P.V. Chandrasekhar submits that the order passed in W.P.No.28232/2019 and that of W.A.No.67/2023 are matters of record.

5. The facts are not in dispute that after the preliminary notification dated 13.03.2012, till date no further steps have been taken. Taking note of the orders passed, present petition is also to be disposed of on same grounds.

6. The observations made in W.A.No.67/2023 and connected matters are extracted below for convenience:

*"14. The co-ordinate Bench of this Court in the case of **KARNATAKA INDUSTRIAL AREA DEVELOPMENT BOARD AND ANOTHER Vs. M.VENKATARAMAIAH AND OTHERS**¹ followed the decision in the case of **K.H.SHIVANNA** referred supra, and dismissed the appeal of KIADB which has been confirmed by the Hon'ble Supreme*

¹ W.A.No.558/2021 Dated 06.04.2022



*Court in the case of **KARNATAKA INDUSTRIAL AREA DEVELOPMENT BOARD AND ANOTHER Vs. M.VENKATARAMAIAH SINCE DECEASED BY LRS AND OTHERS**². The another co- ordinate Bench of this Court in the case of **KARNATAKA INDUSTRIAL AREAS DEVELOPMENT BOARD AND ANOTHER Vs. SMT.ANITHA PURNESH AND ANOTHER**³ dismissed the appeal of the KIADB on the ground that there is inordinate delay in issuing the final notification which has been confirmed by the Hon'ble Supreme Court in the case of **KARNATAKA INDUSTRIAL AREAS DEVELOPMENT BOARD AND ANOTHER Vs. SMT.ANITHA POORNESH AND ANOTHER**⁴. In the case of **GOPAL KRISHNA AND OTHERS Vs. THE STATE OF KARNATAKA AND OTHERS**⁵, the co-ordinate Bench of this Court allowed the appeal of the land owner on the ground that the preliminary notification was issued on 12.08.2020 and till date, no final notification was issued. The said judgment was not interfered by the Hon'ble Supreme Court in the case of **THE KARNATAKA INDUSTRIAL***

² SLP (C) Diary No.28887/2002 Dated 02.12.2022

³ W.A.No.2402/2014 Dated 12.04.2016

⁴ Spl. Leave to Appeal No.14117/2016 Dated 05.08.2016

⁵ W.A.No.1476/2023 Dated 11.01.24



***DEVELOPMENT BOARD AND ORS. Vs. GOPAL KRISHNA
AND ORS⁶.***

15. In view of the preceding analysis, we are of the considered view that by issuing the notification under Sections 3(1), 1(3) and 28(1) of the Act, the respondent - State Government have created a clog over the property covered under these proceedings and due to the impugned notification the land owners, were unable to transact with their properties nor did they receive any compensation, which in our view is in violation of Article 300A of the Constitution of India. It needs to be observed that it is the beneficiary-KIADB that has filed the appeal challenging the orders of the learned Single Judge and not the respondent-State Government, which is responsible for issuing the final notification, which also clearly demonstrates that the beneficiary of the acquisition is insisting to continue the acquisition and not the State Government. The power of eminent domain is with the respondent-State to acquire the private property of the individual and in the instant case, the sovereign has not challenged the orders of the learned Single Judge and even on this

⁶ Spl. Leave to appeal (C) No.7276/2024 Dated 01.04.2024



ground, the appeals of the beneficiary-KIADB is required to be rejected.

16. While statutory authorities are vested with discretionary power to acquire land for prescribed statutory objectives, Article 300A of the Constitution provides constitutional protection to citizens by mandating that property deprivation must be grounded in legal authority and conducted through constitutionally compliant procedures. The doctrine of due process inherent in this provision necessarily implies finality of the acquisition process i.e. it must be concluded within a reasonable time period and cannot remain indefinitely pending. The failure of the acquiring authority to achieve procedural completion within such reasonable timeframe generates a corresponding right for land owners to judicially challenge the acquisition proceedings on grounds of unreasonable delay and procedural defect.

17. The learned counsel for the appellant-KIADB filed application with additional document which indicates that the respondent-State Government issued final notification under Section 28(4) of the Act in respect of other lands, which are not covered in these appeals, after the writ petitions came to be allowed by the learned



Single Judge. The said notification would not help the appellant-KIADB in anyway to challenge the correctness of the order of the learned Single Judge as the said notification would not explain the inordinate delay. Hence, such contention has no merit. We have also noticed that W.A.No.858/2025 is filed with the delay of 1126 days and other appeals are also filed with certain delay, there is no sufficient cause shown in the application to condone the delay. The learned Single Judge, considering the peculiar facts and circumstances of the case, has recorded the finding that there is an inordinate delay on part of the appellant-KIADB and they failed to complete the acquisition proceedings within reasonable time and by considering the various decisions of this Court, allowed the writ petitions.

18. We do not find any error or perversity in the finding recorded by the learned Single Judge in the impugned orders calling for interference in these intra Court appeals. In view of the preceding analysis, we are of the view that the appeals are devoid of merits and the same are required to be rejected. Accordingly, the appeals are dismissed.

Pending applications, if any, stand closed."



7. In light of the above, petition is ***allowed***. The impugned preliminary notification dated 13.03.2012 at Annexure-D issued by the respondent-State stands quashed insofar as lands of the petitioner is concerned.

Sd/-
(S SUNIL DUTT YADAV)
JUDGE

MCR