



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 8TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE R. NATARAJ

WRIT PETITION NO. 19436 OF 2022 (LA-BDA)

BETWEEN:

SRI. PARAMASHIVAIAH
S/O LATE VEERANNA
AGED ABOUT 74 YEARS,
RESIDING AT BANGLE VILLAGE
KOMMAGATTA DAKHALE
SULIKERE POST, KENGERI HOBLI,
BENGALURU SOUTH TALUK-560060

...PETITIONER

(BY SRI. VINAYA KUMAR G.S., ADVOCATE FOR
SRI. V.F.KUMBAR, ADVOCATE)

AND:

1. STATE OF KARNATAKA
DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT
M.S. OFFICE BUILDING,
DR. AMBEDKAR VEEDHI
BENGALURU-560001
REPRESENTED BY ITS PRINCIPAL SECRETARY
2. BENGALURU DEVELOPMENT AUTHORITY
KUMARA PARK WEST
T. CHOWDAIAH ROAD
BENGALURU-560020
REPRESENTED BY ITS COMMISSIONER
3. THE ADDITIONAL LAND ACQUISITION OFFICER
BENGALURU DEVELOPMENT AUTHORITY
KUMARA PARK WEST
T. CHOWDAIAH ROAD
BENGALURU-560020

Digitally
signed by
HEMALATHA J
Location:
HIGH COURT
OF
KARNATAKA



4. SRI. N. EEREGOWDA
SINCE DECEASED BY HIS LRS
- 4(a) SMT. K. VIMALA
W/O LATE SRI. N. EEREGOWDA,
AGED ABOUT 70 YEARS,
- 4(b) KUM. N.E.KAVYA
D/O LATE SRI. N. EEREGOWDA,
AGED ABOUT 39 YEARS,
- 4(c) KUM. N.E. VINUTHA
D/O LATE SRI. N. EEREGOWDA,
AGED ABOUT 37 YEARS,
- 4(d) SRI. ABHIJITH
S/O LATE SRI. N. EEREGOWDA,
AGED ABOUT 35 YEARS,

PETITIONERS - 4(a) to 4(d) ARE
RESIDING AT NO.365,
6TH MAIN, NEAR SBM COLONY,
NAGENDRA BLOCK, BSK 3RD STAGE,
BANASHANKARI,
BENGALURU SOUTH,
BANGALORE-560050.

5. SRI SHIVALINGEGOWDA
S/O LATE MUNIVEEREGOWDA
AGED ABOUT 70 YEARS
6. SRI. M. PUTTASWAMIGOWDA
S/O LATE MUNIVEEREGOWDA
AGED ABOUT 69 YEARS

RESPONDENTS NO.05 AND 06 ARE
RESIDING AT BANGLE VILLAGE
KOMMAGATTA DAKHALE
SULIKERE POST
Kengeri Hobli
BENGALURU SOUTH TALUK-560060

...RESPONDENTS

(BY SMT. POOJA M. KOORSE, HIGH COURT GOVERNMENT PLEADER
FOR RESPONDENT NO.1;

SRI. MURUGESH V. CHARATI, ADVOCATE FOR RESPONDENT NOS.2
AND 3;



SRI. PRAKYAT J.S., ADVOCATE FOR RESPONDENT NOS.4(a) TO 4(d),
5 AND 6)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECT RESPONDENT NOS.2 AND 3 NOT TO GIVE EFFECT TO THE JOINT MEMO DATED 14.03.2019 WHICH CULMINATED IN FINAL ORDER DATED 27.03.2019 PASSED IN W.A.NO.1983-85/2019(LA-BDA) VIDE ANNEXURE-L TO EXECUTE SALE DEEDS IN FAVOUR OF THE RESPONDENT NOS.4 TO 6 UNTIL OUTCOME OF THE FINAL RESULT IN OS.NO.24/2009 INSTITUTED BY THE PETITIONER AGAINST THE RESPONDENT NO.6 IN SO FAR AS SY.NO.156 MEASURING TO AN EXTENT OF 2.00 ACRES OF KOMMAGATTA VILLAGE, KENGERI HBOLI, BENGALURU SOUTH TALUK, NOW PENDING ON THE FILE OF VII ADDITIONAL SENIOR CIVIL JUDGE, BENGALURU RURAL DISTRICT AT BENGALURU 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 mandamus to direct respondent Nos.2 and 3 not to give effect to the joint memo dated 14.03.2019, which culminated in the final order dated 27.03.2019 passed in W.A.No.1983-1985/2014 by executing sale deeds in favour of respondent Nos.4 to 6, until the disposal of O.S. No.24/2009 instituted by



the petitioner against respondent No.6, insofar as the land bearing Sy. No.156 of Kommaghatta Village, Kengeri Hobli, Bengaluru South Taluk is concerned.

2. The petitioner claims to be the absolute owner of the land bearing Sy.No.156 of Kommaghatta Village, Kengeri Hobli, Bengaluru South Taluk. The petitioner contends that respondent No.6 forged his signature and created a general power of attorney in the name of his mother on 20.02.1985. Based on the said general power of attorney, respondent No.6 obtained a sale deed on 23.01.2008 and thereafter got his name entered in the revenue records.

(ii) The petitioner contends that respondent No.2 issued a preliminary notification proposing to acquire the aforesaid land for the purpose of formation of Nadaprabhu Kempegowda Layout, followed by a final notification issued by respondent No.1. He alleges that in the said notifications, the name of respondent No.6 was shown as the Khathedar. On coming to know of the same, the petitioner lodged a complaint before the Commissioner of Police on 14.11.2008, which was referred to the Kengeri Police Station for investigation.



Consequently, a case in Cr.No.291/2008 was registered against respondent No.6 for the offences punishable under Sections 420 and 471 of IPC. Thereafter, a charge sheet was laid against respondent No.6 and his mother for the offences punishable under Sections 420, 468 and 471 of IPC. The petitioner thereafter filed O.S.No.24/2009 seeking declaration of his title and questioning the sale deed in the name of the respondent No.6.

(iii) The petitioner contends that when things stood thus, respondent Nos.4 to 6 and another person filed W.P. Nos.9839-9841/2010 challenging the preliminary and final notifications. The petitioner filed an application in the said writ petitions seeking to implead himself. However, without considering the said application, the writ petition along with other connected writ petitions, were disposed of, in terms of an order dated 11.07.2014. The learned Single Judge allowed the writ petitions and quashed the acquisition proceedings, and as a result of which, the land reverted to the owners. Aggrieved by the said order, respondent No.2 preferred W.A.Nos.1983-85/2014. During the pendency of the said writ appeals,



respondent Nos.4 to 6 and respondent Nos.2 and 3 arrived at a settlement and filed a joint memo, in terms of which, respondent Nos.4 to 6 agreed to receive 40% of the developed land in lieu of compensation. Accordingly, the writ appeals filed by respondent Nos.2 and 3 were disposed off.

(iv) The petitioner contends that the Joint memo filed by the respondent Nos.4 to 6 in W.A.No.1983-1985/2014 is not binding on him, as the challenge to the title of the respondent No.6 is pending consideration in O.S.No.24/2009. The petitioner is therefore before this Court seeking a direction to respondent No.2 not to give effect to the joint memo dated 14.03.2019 filed in W.A.No.1983-1985/2014 pending disposal of O.S. No.24/2009.

3. The learned counsel for the petitioner reiterated the above contentions and submitted that the entitlement of respondent Nos.4 to 6 to claim 40% of the developed land is subject to the outcome of O.S. No.24/2009. He contended that until the suit is decided, respondent No.2 cannot short-circuit the suit by allotting 40% of the developed land to respondent Nos.4 to 6.



4. Per contra, the learned counsel for respondent Nos.4 to 6 submitted that respondent No.6 is the power of attorney holder of the petitioner and had executed sale deeds in respect of the land in Sy. No.156 of Kommaghatta Village. He submitted that the sale deeds are binding on the petitioner. He contends that the pendency of O.S. No.24/2009 cannot come in the way of respondent No.2 identifying and allotting the sites to the respondent Nos.4 to 6 and in the event, the petitioner succeeds in the suit, the allotment of sites by respondent No.2 would be subject to the outcome of O.S. No.24/2009.

5. The learned counsel for respondent Nos.2 and 3 submits that this is an *inter se* dispute between the petitioner and the respondents Nos.4 to 6 and that respondent Nos.2 and 3 are unnecessarily dragged into the litigation. He contends that if the petitioner is willing to give his consent for allotment of 40% of the developed land, respondent Nos.2 and 3 would take necessary steps for identification and allotment of the sites.



6. I have considered the submissions of the learned counsel for the petitioner, the learned counsel for respondent Nos.2 and 3 and learned counsel for respondent No.4 and respondent Nos.5 and 6.

7. The acquisition of the land in Sy.No.156 of Kommaghatta Village for the purpose of formation of Nadaprabhu Kempegowda layout is not in dispute. The acquisition of the lands for the said layout is upheld by the Division Bench of this Court in W.A.Nos.1983-1985/2014. The State Government has formulated a scheme for the formation of Nadaprabhu Kempegowda layout by which 40% of the developed land is allotted to the land losers in lieu of monetary compensation. The petitioner has not challenged the acquisition for formation of Nadaprabhu Kempegowda layout. On the contrary, it is the respondent No.6 who challenged the acquisition before this Court, which ultimately culminated in the judgment passed in W.A.No.1983-1985/2014.

8. As a result, both the petitioner and respondent No.6 have accepted the acquisition of the land in Sy. No.156 of Kommaghatta Village. The only question that arises for



consideration is whether respondent Nos.4 to 6 or the petitioner is entitled to 40% of the developed land in lieu of monetary compensation. The petitioner claims that he has filed O.S.No.24/2009 seeking a declaration that he is the owner of the land bearing Sy.No.156 of Kommaghatta village and that respondent No.6 and his mother have not derived any right under the sale deed dated 23.01.2008. Unless the said dispute is resolved, the entitlement to 40% developed land cannot be decided by respondent No.2. It is, therefore, appropriate to direct respondent No.2 to identify 40% of the developed land corresponding to the land in Sy. No.156 of Kommaghatta Village. However, respondent No.2 shall not allot the sites so identified until the disposal of O.S. No.24/2009.

9. It is needless to mention that soon after the disposal of O.S.No.24/2009, the successful party is entitled to approach the respondent No.2 and claim allotment of the so identified sites in accordance with law.

10. For the limited purpose of enabling respondent No.2 to identify 40% of the developed land, the petitioner shall give his consent and respondent No.2 shall identify the sites within a



period of two months from the date of giving consent. However, respondent No.2 shall not make any allotment in the name of petitioner or in the name of respondent Nos.4 to 6 but shall be done only after conclusion of O.S.No.24/2009.

11. The writ petition stands ***disposed off*** on the above terms.

Sd/-
(R. NATARAJ)
JUDGE

HJ
List No.: 1 Sl No.: 15