



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 3<sup>RD</sup> DAY OF JULY, 2026**

**PRESENT**

**THE HON'BLE MR. JUSTICE D K SINGH**

**AND**

**THE HON'BLE MR. JUSTICE T.M.NADAF**

**WRIT APPEAL NO. 1159 OF 2024 (LA-BDA)**

**C/W**

**WRIT APPEAL NO. 1140 OF 2024 (LA-BDA)**

**WRIT APPEAL NO. 1144 OF 2024 (LA-BDA)**

**IN WA No.1159/2024:**

**BETWEEN:**

1. THE COMMISSIONER,  
BANGALORE DEVELOPMENT AUTHORITY,  
KUMARA PARK WEST,  
BANGALORE - 560 020.
2. THE SPECIAL LAND ACQUISITION OFFICER  
BANGALORE DEVELOPMENT AUTHORITY,  
KUMARA PARK WEST,  
BANGALORE - 560 020.

...APPELLANTS

(BY SRI. MURUGESH V. CHARATI., ADVOCATE)

**AND:**

1. THE CHIEF SECRETARY,  
URBAN DEVELOPMENT DEPARTMENT,  
BANGALORE.



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WA No. 1144 of 2024**

2. MRS. M.C. PADMA,  
W/O LATE G. PURSHOTHAM,  
AGED ABOUT 68 YEARS,  
RESIDING AT NO.1105,  
8<sup>TH</sup> CROSS, ASHOKNAGAR,  
BSK 1<sup>ST</sup> STAGE, 2<sup>ND</sup> BLOCK,  
BENGALURU - 560 050.
3. MR. G.P. CHETHAN KUMAR,  
D/O LATE G. PURSHOTHAM,  
AGED ABOUT 45 YEARS,  
RESIDING AT NO.1105,  
8<sup>TH</sup> CROSS, ASHOKNAGAR,  
BSK 1<sup>ST</sup> STAGE, 2<sup>ND</sup> BLOCK,  
BENGALURU - 560 050.
4. MRS. G.P. SRIDEVI,  
D/O LATE G. PURSHOTHAM,  
W/O B. SUMANTH,  
AGED ABOUT 46 YEARS,  
RESIDING AT NO.1105,  
8TH CROSS, ASHOKNAGAR,  
BSK 1<sup>ST</sup> STAGE, 2<sup>ND</sup> BLOCK,  
BENGALURU - 560 050.

...RESPONDENTS

(BY SRI.H.M. SHASHIDHARA, SR. ADVOCATE FOR  
SRI.H.S. SUHAS, ADVOCATE FOR R2 TO R4,  
SRI. B. RAVINDRANATH, AGA FOR R1)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE  
KARNATAKA HIGH COURT ACT, 1961, PRAYING TO SET-ASIDE  
THE ORDER DATED:04.04.2024 PASSED BY THE HON'BLE  
LEARNED SINGLE JUDGE IN WP NO.53328/2014 AND OTHER  
CONNECTED MATTERS AND ALLOW THE WRIT APPEAL BY  
DISMISSING THE WRIT PETITION AND ETC.,



**IN WA NO. 1140/2024:**

**BETWEEN:**

1. THE COMMISSIONER,  
BANGALORE DEVELOPMENT  
AUTHORITY,  
KUMARA PARK WEST,  
BANGALORE - 560 020.
2. THE SPECIAL LAND  
ACQUISITION OFFICER,  
BANGALORE DEVELOPMENT  
AUTHORITY,  
KUMARA PARK WEST,  
BANGALORE - 560 020.

...APPELLANTS

(BY SRI. MURUGESH V. CHARATI, ADVOCATE)

**AND:**

1. MRS. M.C. PADMA,  
W/O LATE G. PURUSHOTHAM,  
AGED ABOUT 68 YEARS,  
RESIDING AT NO.1105,  
8<sup>TH</sup> CROSS, ASHOKANAGARA ,  
BSK 1<sup>ST</sup> STAGE, 2<sup>ND</sup> BLOCK,  
BENGALURU - 560 050.
2. MR. G.P. CHETHAN KUMAR,  
D/O LATE G. PURUSHOTHAM,  
AGED ABOUT 45 YEARS,  
RESIDING AT NO. 1105,  
8<sup>TH</sup> CROSS, ASHOKANAGAR,  
BSK 1<sup>ST</sup> STAGE, 2<sup>ND</sup> BLOCK,  
BENGALURU - 560 050.
3. MRS. G.P. SRIDEVI,  
D/O LATE G. PURUSHOTHAM,  
W/O B. SUMANTH,  
AGED ABOUT 46 YEARS,P[



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RESIDING AT NO. 1105,  
8<sup>TH</sup> CROSS, ASHOKANAGAR,  
BSK 1<sup>ST</sup> STAGE, 2<sup>ND</sup> BLOCK,  
BENGALURU - 560 050.

...RESPONDENTS

(BY SRI. H.N. SHASHIDHARA SR. ADVOCATE FOR  
SRI. H.S. SUHAS., ADVOCATE FOR R1 TO R3)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF  
THE KARNATAKA HIGH COURT ACT, 1961, PRAYING TO  
SET ASIDE THE ORDER DATED:04.04.2024 PASSED BY THE  
LEARNED SINGLE JUDGE IN WP No.53644/2024 (LA-BDA)  
AND OTHER CONNECTED MATTERS AND ALLOW THE WA BY  
DISMISSING THE WRIT PETITION.

**IN WA NO. 1144/2024:**

**BETWEEN:**

1. THE COMMISSIONER,  
BANGALORE DEVELOPMENT  
AUTHORITY,  
KUMARA PARK WEST,  
BANGALORE - 560 020.
2. THE SPECIAL LAND  
ACQUISITION OFFICER,  
BANGALORE DEVELOPMENT  
AUTHORITY,  
KUMARA PARK WEST,  
BANGALORE - 560020.

...APPELLANTS

(BY SRI. MURUGESH V. CHARATI, ADVOCATE)



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**AND:**

1. THE CHIEF SECRETARY,  
URBAN DEVELOPMENT DEPARTMENT,  
STATE GOVERNMENT OF KARNATAKA,  
BANGALORE.
2. MRS. M.C. PADMA,  
W/O LATE G. PURSHOTHAM,  
AGED ABOUT 68 YEARS,  
RESIDING AT NO.1005,  
8<sup>TH</sup> CROSS,ASHOKNAGAR,  
BSK 1<sup>ST</sup> STAGE, 2<sup>ND</sup> BLOCK,  
BENGALURU - 560 050.

...RESPONDENTS

(BY SRI.H.N. SHASHIDHARA, SR. ADVOCATE FOR  
SRI. H.S. SUHAS, ADVOCATE FOR R2  
SRI. RAVIDNRANATH, AGA FOR R1)

THIS WRIT APPEAL FILED UNDER SECTION 4 OF THE  
KARNATAKA HIGH COURT ACT, 1961, PRAYING TO SET-  
ASIDE THE ORDER DATED:04.04.2024 PASSED BY THE  
HON'BLE LEARNED SINGLE JUDGE IN WRIT PETITION  
No.53175/2014 (LA-BDA) AND OTHER CONNECTED  
MATTERS AND ALLOW THE WRIT APPEAL BY DISMISSING  
THE WRIT PETITION AND ETC.,

THESE APPEALS ARE COMING ON FOR PRELIMINARY  
HEARING, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS  
UNDER:

CORAM: HON'BLE MR. JUSTICE D K SINGH  
and  
HON'BLE MR. JUSTICE T.M.NADAF



**ORAL JUDGMENT**

(PER: HON'BLE MR. JUSTICE T.M.NADAF)

These three intra-court appeals are by the Bengaluru Development Authority<sup>1</sup> assailing the common order dated 04.04.2024 passed in W.P.No.53175/2014 c/w W.P.Nos.53328/2014, 53644/2014. The Writ Court under the common order allowed the writ petitions quashing the impugned Notifications, insofar as the lands of the petitioners are concerned, on the premise that though the BDA has formulated the Scheme, had not executed the Scheme.

2. The parties are referred to as per their ranking before the Writ court.

3. Facts germane to file these Writ Appeals are as under:

3.1 In W.P.No.53328/2014, the land involved is, 1 acre 14 guntas in Sy.No.134 of Gattigere Village, Hamlet

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<sup>1</sup> Hereinafter referred to as 'BDA' for short



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of Halagevaderahalli Village, Kengeri Hobli, Bengaluru South Taluk.

3.2 In W.P.No.53175/2014, the land involved is, 1 acre 6 guntas in Sy.No.136 of Gattigere Village, Hamlet of Halagadeverahalli Village, Kengeri Hobli, Bengaluru South Taluk.

3.3 Similarly, in W.P.No.53644/2014, the land involved is, 1 acre 12 guntas in Sy.No.135 of Gattigere Village, Hamlet of Halagadeverahalli Village, Kengeri Hobli, Bengaluru South Taluk.

3.4 The BDA by means of Notification dated 29.12.1988 under Section 17 of the Bangalore Development Authority Act, 1976<sup>2</sup>, proposed to acquire 1851 acres 39 guntas of land for the purpose of Banashankari V Stage Layout, followed by a Declaration issued under Section 19(1) of the BDA Act on 09.05.1994 in respect of 1458 acres 21 guntas. This Declaration was

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<sup>2</sup> Hereinafter referred to as 'the BDA Act' for short



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the subject matter in W.P.Nos.30801-803/1994 and connected matters. The Writ Court allowed the Writ Petitions and the Declaration was quashed on the ground that sanction of the Government had not been obtained, as contemplated under Section 18 of the BDA Act.

3.5 Subsequently, after obtaining sanction, the Declaration came to be issued again on 16.09.1997 under Section 19 of the BDA Act, which was again challenged by the owners of the land bearing Sy.Nos.135 and 136 (petitioners in W.P.No.53644/2014 and W.P.No.53175/2014). However, the same was dismissed as withdrawn on 02.07.2002.

3.6 It is the case of the petitioners that the entire Banashankari V Stage layout is a still born layout and the Scheme is not at all been executed. The possession is still with the petitioners, though a mahazar has been created to indicate as if the possession was taken. It was strongly contended as the principal contention, by the petitioners



before the Writ Court that the Scheme which had been formulated by the BDA, was not implemented within five (5) years as contemplated under Section 27 of the BDA Act, accordingly, the Scheme is lapsed. Further contended that, not even 10% of the Scheme has been implemented. In that view of the matter, the Notifications issued, be quashed.

3.7 In contrast, the BDA contended that Award in respect of Sy.Nos.135 and 136 came to be passed on 29.09.1999 and they took possession of the properties on 09.04.1999 and 29.09.1999 respectively. It was also contended that a Notification under Section 16(2) of the BDA Act was also published in respect of Sy.Nos.135 and 136 on 18.08.2009. It was contended that, insofar as Sy.No.134 was concerned, the land was forfeited under the provisions of Sections 79A and 79B of the Land Reforms Act, 1961<sup>3</sup>. Since the land belonged to State

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<sup>3</sup> For short 'the Act of 1961'



Government, no Award has been passed in respect of Sy.No.134.

3.8 Further, it was asserted that the Scheme has been comprehensively and substantially implemented. In that view of the matter, mere fact that the layout has not been formed in Sy.Nos.134, 135 and 136, as per the Affidavit, cannot be a consideration for holding that the Scheme lapsed under Section 27 of the BDA Act. It was contended that the Declaration was issued as back as in the year 1997 and after 17 years, the Writ Petitions were filed in the year 2014, seeking quashing of the Notifications on the ground of non implementation/lapse of the Scheme, hit by delay and laches.

4. The Writ Court having considered the rival submissions, was of the opinion that though the Declaration was issued way back in the year 1997 i.e., 17 years ago, the BDA cannot be expected to form any layout in small pockets of land, which are isolated and have no



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connectivity, as the entire object of the BDA is to form a comprehensive and contiguous layout, which is orderly and well planned.

4.1 Further observing that only 10 acres of land was utilized for formation of layout in Halagevaderahalli Village, it is obvious that the Scheme cannot be implemented at all in Halagevaderahalli Village and therefore, the Notifications under which the subject matters of the Writ Petitions were acquired, would have to be quashed. In that view of the matter, the Writ Court quashed the impugned Notifications on the ground that though the BDA had formulated a Scheme, but failed to execute the same within time. It is this common order passed by the Writ Court, is called in question in these writ appeals.

5. Heard Sri.Murugesh V. Charati, learned counsel for the appellants, Sri.B.Ravindranath, learned AGA for respondent No.1 and Sri.H.N.Shashidhara, learned Senior



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Counsel assisted by Sri.H.S.Suhas, for the respondent Nos.2 to 4. Perused the entire writ appeal papers.

6. Sri.Murugesh V. Charati, learned counsel with all his vehemence submits that the Banashankari V Stage Scheme is executed and it is a full fledged residential layout and there is no scope for holding that the Scheme is lapsed. When the Scheme is substantially and comprehensively executed, there is no question of application of Section 27 of the BDA Act, to hold that the Scheme is lapsed. The Writ Court has failed to consider this aspect of the matter.

6.1 To buttress his arguments, he has relied on the judgment of the Coordinate Bench of this Court in W.A.No.391/2019 in the case of **SMT. MADDURAMMA AND OTHERS vs. STATE OF KARNATAKA AND OTHERS** disposed of on 03.06.2021, stressing on Paragraph No.30 of the said judgment, which reads as under:



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*"30. As far as submissions made by the learned counsel for the appellant that as per Section 27 of BDA Act, 2013, the scheme has lapsed is concerned, same cannot be accepted for the reason that the Banashankari 5<sup>th</sup> Stage scheme is executed and it is a full fledged residential layout. Therefore, just because the acquisition proceedings of some portion of lands in writ petitions filed before this Court are quashed, that does not mean that the entire scheme has lapsed. It is an undisputed fact that Banashankari 5<sup>th</sup> Stage layout is executed. The acquisition proceedings might have been quashed insofar as some portion of lands is concerned in respect of some land owners but it cannot be said that the entire scheme has lapsed. Therefore, even under Section 27 of Act, 2013 also, the appellants cannot seek the benefit of the said contention that the entire scheme has lapsed. Thus, the appellants are not entitled for reverting of the lands to them. It is an undisputed fact that the land of the appellants was also utilized under the scheme and sites were formed and was allotted in favour of respondent No.4 subsequently it was sold to respondent Nos. 5 and 6. Undisputed factual matrix depicts that the scheme has already been executed. Therefore, under the circumstances the writ appeal being found devoid of merits, it is liable to be dismissed."*

6.2 He further relied on the judgment of the Coordinate Bench of this Court in the case of **BENGALURU DEVELOPMENT AUTHORITY AND ANOTHER vs. HEMANTH KUMAR AND ANOTHER**



rendered in W.A.No.725/2021 and stressed on Paragraph  
Nos. 7 and 8, which read as under:

*"7. Admittedly, writ petition preferred by respondent No.1 seeking quashing of preliminary as well as final Notification dated 06.04.1989 and 17.09.1997 was filed after inordinate delay of 17 years. No explanation was offered for inordinate delay in filing the writ petition. Learned Single Judge ought to have appreciated the challenge to the effect that preliminary as well as final Notification was belated. Besides it is relevant to take note of para No.30 of the judgment passed by Division Bench of this Court in W.A.No.391/2019, which reads as under:*

*"30. Further, from the words of Section 24 of the 2013 Act, what is significant to note is the fact that the said Section expressly refers to land acquisition proceedings initiated under the LA Act, 1894. The said Section does not incorporate the words "or proceedings initiated under any other enactment". Therefore, the expression "land acquisition proceedings initiated under the LA Act, 1894" are significant and must be given its natural and plain meaning and the said expression cannot be given an expansive interpretation by adding words to the provision, in the absence of the provision itself giving rise to any such implication. In this regard, the rules of interpretation of a statute would become relevant and reliance could be placed on guiding principles of interpretation of statute. One such principle is that the Court is not entitled to read words into a provision of an Act or Rule for, the meaning is to be found within the four corners of the provisions of an act or rule, as in the instant case. Therefore, while it is not permissible to add words or to fill in a gap or lacuna, on the other hand effort should be made to give meaning*



*to each and every word used by the legislature. Thus, the golden rule of construction is that the words of a provision of a statute, or rule must be first understood in the natural, ordinary or popular sense. Phrases and sentences must be construed according to their grammatical meaning, unless that leads to some absurdity or unless there is something in the context, or in the object of the statute to suggest the contrary. In other words, the golden rule is that the words of a statute prima facie be given an ordinary meaning. Natural and ordinary meaning of words should not be departed from "unless it can be shown that the legal context in which the words are used requires a different meaning". Such a meaning cannot be departed from by the judges "in light of their own views as to policy" unless it is shown to adopt a purposive interpretation of the statute, which does not arise in the instant case. [Source – G.P.Singh Principles on Statutory Interpretation – Fourteenth Edition]."*

*8. Thus, from the perusal of para No.30 of the aforesaid judgment rendered by Division Bench of this Court, it is evident that categorical findings has been recorded that the scheme of Banashankari V Stage Layout has not lapsed, but has been executed and is a full fledged residential layout. However, in view of the aforesaid judgment dated 03.06.2021 passed by Division Bench of this Court, the order dated 16.10.2020 passed by learned Single Judge in W.P.No.7946/2014 is to be set aside."*

and sought to allow the Writ Appeals by setting aside the common order passed by the Writ Court.



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7. In contrast, Sri.H.N.Shashidhar, learned Senior Counsel submits that there is no implementation of the layout, which is clear from the Affidavit filed by the Executive Engineer of BDA, which has been extracted at Paragraph No.9 of the order of the Writ Court, especially Paragraph No.5, which reads as under:

*"5. I submit that in respect of the land in Sy.No.134, 135 and 136 of Halagevaderahalli Village is concerned BDA has not formed the layout in view of the litigations. Google sketch of the above survey numbers are produced at DOCUMENTS No.1 to 3 respectively."*

7.1 He submits that not even 10% of the Scheme has been implemented. The Writ Court having considered this aspect of the matter at Paragraph No.16 of its common order, rightly observed that only 10 acres of land was utilized for formation of layout of Halagevaderahalli Village. As such, it is obvious that the Scheme cannot be said to have been implemented at all in a particular village. Therefore, the Notifications challenged in the Writ Petitions were quashed on the premise of lapse of Scheme. In that event, the order passed by the learned



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Single Judge does not suffer from error and sought to dismiss these appeals.

8. Having considered the rival submissions, we have perused the entire writ appeal papers and the judgment relied on.

9. In terms of the judgment of the Coordinate Bench of this Court, the Banashankari V Stage Scheme has been substantially and comprehensively implemented as per the paragraphs, which we have already extracted above. In that view of the matter, as per the judgment of the Supreme Court in the case of **INDORE DEVELOPMENT AUTHORITY vs. MANOHARLA<sup>4</sup>**, even if the contention of the land owners that they are in possession of the properties, the same would be of no consequences and the possession would be that of a rank trespasser, as the land stood vested with the Government with taking of possession under the Notifications and

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<sup>4</sup> (2020) 8 SC 129



passing of the Awards. However, as noticed in paragraph Nos.6 and 7 of the common impugned order, so far as land in Sy.No.134 is concerned, there were proceedings under Sections 79A and 79B of the Act of 1961. However, in the preceding paragraph i.e., paragraph No.7, there is a clear observation that the said order of forfeiture passed by the Assistant Commissioner under Section 18(3) of the Act of 1961, has been set aside on 23.01.1992 i.e., 2 years before the Declaration under Section 19 of the BDA Act, but yet, an award in respect of Sy.No.134 has not been passed.

10. To the query of the Court, on this aspect of the matter, Sri.Charati, with all fairness submits that there is no award passed in respect of Sy.No.134. As such, in view of law declared by the Supreme Court in **BERNARD FRANCIS JOSEPH VAZ AND OTHERS vs. GOVERNMENT OF KARNATAKA AND OTHERS**<sup>5</sup> the date of fixing the market value requires to be postponed to the

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<sup>5</sup> (2025) 7 SCC 580



date of passing of award in terms of proviso to Section 24(2) of the Right To Fair Compensation And Transparency in Land Acquisition, Rehabilitation And Resettlement Act, 2013<sup>6</sup>. In that view of the matter, the Writ Appeal in W.A.No.1140/2024 is allowed in part while allowing other two Writ Appeals.

11. For the reasons aforesaid, we pass the following:

ORDER

- (i) W.A.No.1140/2024 is ***allowed in part.***
- (ii) W.A.Nos.1159/2024 and 1144/2024 are ***allowed.***
- (iii) The order dated 04.04.2024 passed by the Writ Court in W.P.No.53175/2014 c/w 53644/2014, is hereby set aside. Consequently, the petition in W.P.No.53175/2014 and W.P.No.53644/2014 are ***dismissed***, so far

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<sup>6</sup> for short 'the LARR Act'



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as W.P.No.53328/2014 is ***allowed in part,***  
modifying the order by postponing the  
fixing of market value from the date of  
passing of the award, as no award has  
been passed till date in respect of the land,  
which was acquired in the year 1988 by  
way of Preliminary Notification and in the  
year 1997 by way of Final Notification.

- (iv) The exercise of passing of Award be  
completed as expeditiously as possible  
within six (6) months from the date of  
receipt of copy of this order.
- (v) Costs made easy.

**Sd/-  
(D K SINGH)  
JUDGE**

**Sd/-  
(T.M.NADAF)  
JUDGE**

DR  
List No.: 1 Sl No.: 17  
ct-vn