



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. 20628 OF 2026 (LA-KIADB)

BETWEEN:

SMT. SUMITHRA
W/O. LATE JOSEPH,
AGED ABOUT 39 YEARS,
RESIDING AT NO.1264,
NEAR KOTE BANDE, BEGUR,
BANGALORE SOUTH,
BENGALURU-560068.

...PETITIONER

(BY SRI. SHARAN N.MAJAGE, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
BY ITS SECRETARY,
DEPARTMENT OF COMMERCE AND INDUSTRIES,
VIDHANA SOUDHA,
BANGALORE-560 001.
2. KARNATAKA INDUSTRIAL AREAS DEVELOPMENT BOARD
REP. BY ITS CHIEF EXECUTIVE OFFICER
AND EXECUTIVE MEMBER,
KHANIJA BHAVANA,
RACE COURSE ROAD,
BENGALURU-560001
3. THE SPECIAL LAND ACQUISITION OFFICER-2
KARNATAKA INDUSTRIAL AREAS DEVELOPMENT BOARD,
NO.14/3, 1ST FLOOR, CFC BUILDING,
MAHARSHI ARAVINDA BHAVAN,
NRUPATUNGA ROAD,
BANGALORE-560 001.

Digitally
signed by
HEMALATHA J
Location:
HIGH COURT
OF
KARNATAKA



4. METRO RAIL CORPORATION LIMITED
BMTc COMPLEX
3RD FLOOR, K.H. ROAD,
SHANTINAGAR
BENGALURU-560027
REP. BY ITS MANAGING DIRECTOR

...RESPONDENTS

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

SMT. LATHA S.S., ADVOCATE FOR RESPONDENT NOS.2 AND 3

SRI N.N. HARISH, ADVOCATE FOR RESPONDENT NO.4)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE
CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF
CERTIORARI OR ANY OTHER APPROPRIATE WRIT, ORDER OR
DIRECTION AND QUASH THE GENERAL AWARD DATED 13.06.2018
PASSED BY THE RESPONDENT NO.3 BEARING NO.KIADB/ METRO/
BHUSWA/ R6EL-223/2018-19, PRODUCED AS ANNEXURE-A, IN SO
FAR AS IT RELATES TO THE SCHEDULE PROPERTY AND ETC.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING,
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 the general award bearing No.ಕೆಐಎಡಿಬಿ/ಮೆ



ಟ್ರೋ/ಭೂಸ್ವಾ/ಆರ್ 6 ಇಎಲ್-223/2018-19 dated 13.06.2018 passed by respondent No.3 in so far as it relates to the property bearing Sy. No.53/4B (New No.53/4), property No.64-69-21, situate at Tavarekere Village, Begur-1 Hobli, Bengaluru South Taluk, measuring 25.00 Sq. Mtrs. (henceforth referred to as 'the petition schedule property') and direct the respondent No.3 to consider the case of the petitioner for award of compensation by way of an agreement under Section 29(2) of the Karnataka Industrial Areas Development Act, 1966 (henceforth referred to as 'KIAD Act').

2(i). The petitioner claims to be the owner of the petition schedule property, having inherited the same as the sole Class-I legal heir of her deceased husband - Mr. Joseph. She claims that the petition schedule property was part of a larger extent of land, which was purchased by her father-in-law - Sri N.L. Vargheese from its previous owner - Sri Tukaram under a sale deed dated 04.06.1964. The said Sri N.L. Vargheese gifted the petition schedule property among others to his son - Mr. Joseph, the husband of the petitioner, by way of a gift deed dated 10.10.2024. It is stated that the petitioner's husband



died intestate on 30.10.2024 leaving behind her as the sole surviving Class-I legal heir. The petitioner claims that the *khata* of the petition schedule property stands in her name.

(ii). The petitioner claims that the respondent No.1 for the benefit of the Bangalore Metro Rail Project, initiated acquisition proceedings in respect of various lands, including the petition schedule property. A preliminary notification bearing No.CI 126 SPQ 2015 dated 16/17-10-2015, which was published in the Karnataka Gazette on 05.11.2015, under Section 28(1) of the Karnataka Industrial Areas Development Act, 1966 (for short, 'the KIAD Act') was issued. In the said notification, the name of one "Mohammad Humayun" was erroneously mentioned as the *khatedar / Anubhavadar*.

(iii). The petitioner further claims that a final notification under Section 28(4) of the KIAD Act was issued vide notification No.CI 126 SPQ 2015, Bengaluru dated 28.09.2016, which was published in the Karnataka Gazette on 27.10.2016. In the said notification also, the name of "Mohammad Humayun" was wrongly shown as the owner of the petition schedule property.



(iv). The petitioner contends that at no point of time in the course of proceedings, the true owners of the petition schedule property i.e. her father-in-law and her husband were served with any notice as mandated under Section 28(2) of the KIAD Act and the respondents proceeded on the basis of incorrect and outdated revenue entries without conducting a proper verification of title or possession in respect of the property. Subsequently, the respondent No.3 passed a general award on 13.06.2018. The petitioner claims that the said award indicates that the compensation was determined in the name of the notified person, Mr. Mohammad Humayun though he did not appear for the enquiry and in view of the pendency of civil disputes, the compensation of Rs.3,35,841/- was directed to be deposited before the jurisdictional Civil Court.

(v). The petitioner claims that the entire award proceedings is a nullity in the eye of law as the same has been conducted in gross violation of the principles of natural justice without issuing notice to her late husband or her father-in-law, who were the actual owners of the petition schedule property and without following the mandatory procedure prescribed under the KIAD Act. It is stated that in similar circumstances in



W.P. No.5693/2026 filed by Mr. Narayanabovi against the State and Others, this Court considered the prayer of the petitioner therein in terms of the order dated 27.02.2026. The petitioner is, therefore, before this Court challenging the general award dated 13.06.2018 passed by the respondent No.3 and seeks a direction to the respondent No.3 to pass a consent award.

3. The learned counsel for the petitioner reiterated the above submissions.

4. The learned counsel for the respondent Nos.2 and 3 does not dispute the fact that the respondent No.4 has constituted a Committee for determination of the price of the acquired land and that higher compensation is determined to those land losers, who consent for the acquisition.

5. In that view of the matter, it is appropriate that the impugned general award is set at nought and a direction is issued to respondent No.3 to pass a consent award under Section 29(2) of the KIAD Act.

6. In view of the above, the petition is **allowed**. The impugned general award bearing No.ಕೆಐಎಡಿಬಿ/ಮೆ



ಟ್ರೋ/ಭೂಸ್ವಾ/ಆರ್‌ಇಎಲ್-223/2018-19 dated 13.06.2018 passed by the respondent No.3 in respect of the property bearing Sy. No.53/4B (New No.53/4), property No.64-69-21, situate at Tavarekere Village, Begur-1 Hobli, Bengaluru South Taluk, measuring 25.00 Sq. Mtrs. is quashed. The respondent No.3 is directed to pass a consent award under Section 29(2) of the Karnataka Industrial Areas Development Act, 1966 within a period of three months from the date of receipt of a certified copy of this order. If there are any rival claimants or if it is difficult to ascertain as to who has to consent to the award, then the general award bearing No.ಕೆಐಎಡಿಬಿ/ಮೆ ಟ್ರೋ/ಭೂಸ್ವಾ/ಆರ್‌ಇಎಲ್-223/2018-19 dated 13.06.2018 shall stand restored.

7. It is needless to mention that the respondent No.3 is at liberty to withdraw the amount deposited before the Civil Court as per the general award bearing No.ಕೆಐಎಡಿಬಿ/ಮೆ

ಟ್ರೋ/ಭೂಸ್ವಾ/ಆರ್‌ಇಎಲ್-223/2018-19 dated 13.06.2018.



8. Learned High Court Government Pleader for respondent No.1 and the learned counsel for respondent Nos.2 and 3 and the learned counsel for respondent No.4 are permitted to file their respective memos of appearance within 10 days from today.

Sd/-
(R. NATARAJ)
JUDGE

SMA
List No.: 1 Sl No.: 45