HC-KAR

NC: 2026:KHC:17273-DB
WA No. 1340 of 2021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF MARCH, 2026

PRESENT

THE HON'BLE MRS. JUSTICE ANU SIVARAMAN

AND

THE HON'BLE MS. JUSTICE TARA VITASTA GANJU

WRIT APPEAL NO. 1340 OF 2021 (LA-BDA)

BETWEEN:

1. BANGALORE DEVELOPMENT
   AUTHORITY,KUMARA PARK WEST,
   T CHOWDAIAH ROAD,
   BANGALORE - 560 020
   REPRESENTED BY ITS COMMISSIONER.
2. THE LAND ACQUISITION OFFICER
   BANGALORE DEVELOPMENT
   AUTHORITY, KUMARA PARK WEST,
   T CHOWDAIAH ROAD,
   BANGALORE - 560 020.

...APPELLANTS

(BY SRI. MURUGESH V CHARATI, ADVOCATE)

Digitally signed by SUMATHY KANNAN
Location: HIGH COURT OF KARNATAKA BENGALURU

AND:

1. THE STATE OF KARNATAKA
   DEPARTMENT OF HOUSING
   URBAN DEVELOPMENT, M.S.BUILDING,
   BANGALORE - 560 001.
   REPRESENTED BY ITS
   PRINCIPAL SECRETARY
2. SMT GOWRAMMA
   W/O. LATE LAKSHMINARAYANA

AGED ABOUT 66 YEARS,
R/AT DASARAHALLI VILLAGE,
K.R.PURAM HOBLI, BANGALORE EAST TALUK
REP. BY HER POWER OF ATTORNEY
SRI TEJRAJ GULECHA S/O LATE PUKHRAJ
GULECHA AGED ABOUT 65 YEARS, NO. 9/1,
CLASSIC COURT, RICHMOND ROAD,
BANGALORE - 560 025.

…RESPONDENTS

(BY SMT. SAVITRAMMA, AGA FOR R1;
SRI. T P VIVEKANANADA, ADVOCATE)

WRIT APPEAL FILED U/S 4 OF THE KARNATAKA HIGH COURT ACT PRAYING TO SET ASIDE THE ORDER OF THE LEARNED SINGLE JUDGE PASSED IN WP NO.47819/2015 (LA-BDA) DATED 19.08.2017

THIS APPEAL, COMING ON FOR HEARING THIS DAY, AND JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MRS. JUSTICE ANU SIVARAMAN
and
HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORAL JUDGMENT

(PER: HON'BLE MRS. JUSTICE ANU SIVARAMAN)

I.A.No.1/2022 is filed seeking to condone the delay of 886 days in filing the appeal. In the affidavit filed in support of the application, it is stated at paragraphs No.3, 4 and 5 as follows:-

"3. *I submit that learned Single Judge allowed the writ petition on 19.08.2017 filed by the respondents. The advocate appearing for the BDA applied for the certified copy of the order on 21.08.2014 and received the same on 08.09.2017. The same was sent to the law section of the BDA on 13.09.2017. Thereafter, the copy of the order along with he file of the law section was placed before the law officer on 20.09.2017. The Law officer was of the opinion that there are no good grounds to file appeal against the order dated passed by the single Judge. The Commissioner, Bangalore Development Authority approved the opinion of the law officer and thereafter, there was no movement of the file.*

4. I submit that the Government of Karnataka noticed that in several of the cases the BDA has not filed the appeal where the BDA has suffered orders. I submit that the Government sought for information from the BDA about the cases in which appeal is not filed and the reasons for not filing the appeal. It is at this juncture, the Commissioner BDA sought information from the law section about the list of the cases which are adverse to the interest of the BDA. The law officer looked into the available files in the law section and placed several files before the Commissioner. The present file was also one among such files in which the law officer was of the opinion that the appeal has to be filed by the BDA. The Commissioner, BDA approved the opinion of the law officer for filing the appeal and accordingly the file was handed over to the panel advocate to prepare the appeal and file the same.

> *5. I submit that the entire Writ Petition papers were not available in the file and efforts were made to trace the papers and after obtaining the same from the previous panel advocate, the files were handed over to the present advocate. The present panel advocate took some time to prepare and file the appeal. I submit that the appeal ought to have been filed on before 19.09.2017. However, the appeal is filed on 04.12.2022. Hence, there is delay of 886 days in filing the appeal."*

2. An objection was filed by the respondents to the application stating that the delay is not 886 days as contended but 1518 days, since the judgment is rendered on 08.09.2017 and the appeal filed only on 04.12.2021.

3. The learned counsel for the respondent would also rely on the following decisions:-

- ***Basawaraj and Anr. v. Spl. Land Acquisition Officer,*** *reported in* ***(2013) 14 SCC 81;*** *and*
- ***Pathapati Subba Reddy (Died) by LRs. & Ors. v. Spl. Deputy Collector (LA),*** *reported in* ***2024 SCC Online SC 513.***

4. We have heard the learned counsel for the applicants as well as the learned counsel for the respondents.

5. Having considered the contentions advanced, we notice that a challenge in a writ appeal to a judgment of the learned Single Judge can be entertained only if sufficient cause is shown for condoning the delay in filing the appeal. The Apex Court has categorically held that sufficient cause for condonation of delay means a cause for which a party could not be blamed. In a case, where a party has acted with negligence or lack of bonafides, the cause shown would not be sufficient to condone the delay. In the instant case, it is stated that the certified copy of the judgment which was admittedly obtained on 13.09.2017, was sent to the Law Officer, who opined that there are no good grounds for filing an appeal and that it was on account of the Government seeking information from the Bangalore Development Authority (BDA) about the cases in which appeal is not filed that the decision to

file the appeal was taken. No reason whatsoever is pleaded as a sufficient cause to explain the delay. We are of the opinion that there is absolutely no cause shown to condone the long delay of more than 1,500 days in filing the appeal. The reliance placed by the applicant on the intervening COVID restrictions, is also completely misplaced, in view of the fact that the period of limitation to file the appeal had expired long prior to the COVID restrictions being implemented in the Country.

6. In the above view of the matter, we are of the opinion that the IA for condonation of delay is totally devoid of merits. The I.A.No.1/2022 is accordingly dismissed. Consequently, the appeal also stands ***dismissed***.

7. However, it is made clear that the dismissal of the appeal is only on delay on account of the fact that there is no sufficient cause shown for condonation of delay and we have not considered the contentions on merits.

8. It is made clear that the dismissal of this appeal will not stand in the way of consideration of the legality of the exclusion of lands by the Committee appointed by this Court as directed in ***Sri. K P Anjanappa vs. State of Karnataka*** by order ***dated 27.09.2021*** passed in ***Writ Petition.No.51929/2014 and Connected matters*** which has been affirmed by the Division Bench of this Court in ***Sri. Joseph C vs. The State of Karnataka and Another*** passed in ***Writ Appeal No.1344/2021*** by order ***dated 29.03.2022*** and in ***Smt. R Bhagyalakshmi and Ors. Vs. State of Karnataka and Another*** passed in ***Writ Appeal No.145/2022*** by order ***dated 18.02.2022***.

Sd/-
(ANU SIVARAMAN)
JUDGE

Sd/-
(TARA VITASTA GANJU)
JUDGE

SSD
List No.: 1 Sl No.: 10