



CNR: KAHC010527772026

NC: 2026:KHC:47449-DB
WA No. 1850 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 1ST DAY OF SEPTEMBER, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN

WRIT APPEAL NO. 1850 OF 2026 (LA-KIADB)

BETWEEN:

1. THE KARNATAKA INDUSTRIAL
AREAS DEVELOPMENT BOARD
REPRESENTED BY ITS CHIEF EXECUTIVE OFFICER
AND EXECUTIVE MEMBER,
NO. 2, 2/1 2/3, KALIDASAMARG,
1ST MAIN ROAD, GANDHINAGAR,
BENGALURU 560 009.
2. THE SPECIAL DEPUTY COMMISSIONER
THE KARNATAKA INDUSTRIAL AREAS DEVELOPMENT
BOARD, NO. 2, 2/1 2/3, KALIDASAMARG,
1ST MAIN ROAD, GANDHINAGAR,
BENGALURU 560 009.
3. THE SPECIAL LAND ACQUISITION OFFICER,
OFFICE NO. 14/3, ARAVINDA BHAVANA
NRUPATUNGA ROAD BENGALURU – 560 001.
...APPELLANTS
(BY SRI. SHIRALLI DILDAR JAINUSAB., ADVOCATE)

AND:

1. SRI. KESHAVAN D,
S/O DEVARAJ MUDALIEAR,
AGED ABOUT 65 YEARS,
R/O THYAMAGONDALU, NELAMANGALA TALUKU,
BENGALURU RURAL DISTRICT 562 132.

Digitally
signed by
MALA K N
Location:
High Court
of Karnataka



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2. THE STATE OF KARNATAKA
DEPARTMENT OF COMMERCE AND INDUSTRIES,
VIKASSOUDHA, AMBEDKAR VEEDHI,
BENGALURU - 560 001.

...RESPONDENTS

(BY SRI.B.RAVINDRANATH, AGA FOR R2)

THIS WRIT APPEAL FILED U/S 4 OF THE KARNATAKA HIGH COURT ACT PRAYING TO1. SET ASIDE THE IMPUGNED ORDER DATED 27.01.2022 PASSED BY THE LEARNED SINGLE JUDGE IN WRIT PETITION No. 1576/2022 AND 2. DISMISS WRIT PETITION No. 1576/2022 AND 3. ALLOW THE PRESENT WRIT APPEAL UNDER THE FACTS AND CIRCUMSTANCES OF THE CASE, IN THE INTEREST OF JUSTICE AND EQUITY.

THIS APPEAL, 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 H.SHANTHI BHUSHAN

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE D K SINGH)

Heard Sri. Shiralli Dildar Jainusab, learned counsel
for the appellant - KIADB.

2. The present intra Court appeal has been filed impugning the order dated 27.01.2022 passed by the Writ Court in W.P.No.1576/2022. This appeal has been filed with tremendous delay of 1607 days.



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3. Learned counsel for the appellant vehemently submits that there were administrative exigencies which prevented the appellant to file this appeal. However, the nature of such great administrative exigencies have not been delineated in the affidavit filed in support of the application, seeking condonation of delay. The affidavit filed in support of the application seeking condonation of delay would disclose following reasons for not filing the appeal on time:

Affidavit

"I, Shivegowda S/o. Nanjalinge Gowda Aged about 53 years, The Special Land Acquisition Officer, 2 BMICP Office No. 14/3, 1st floor, Maharsi Arvind Bhavan Nrupathunga Road, Bengaluru -560001.

1. I submit that I am one of the appellant I know the facts of the case, hence I am swearing to content of this affidavit.

2. I submit that the above appeal has been filed by me being aggrieved by the impugned order dated 27-1-2022 in Writ Petition No 1576/2022 passed by the learned Single Judge of this Hon'ble court.

3. The Memorandum of Writ Appeal may be read as part and parcel of this application in order to avoid to repetition.



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1. I submit that in exercise of powers under section 1(3), 3(1) and 28(1) of the Karnataka Industrial Areas Development Act, 1966 (hereinafter referred to as the Act), Respondent no.02 herein issued notification under section 3(1) proposing to acquire certain lands in various survey no's for formation of Industrial area.

2. I submit that the Respondent no.02 in exercise of the powers under section 28(1) of the KIAD Act, 1966 issued a preliminary notification on 02-08-2006 notifying land in the for formation of Industrial Area. The above notification includes the land of the petitioner in Sy.No.30 measuring 13 Acres along with "A kharab' land measuring 16 guntas.

3. I submit that the Appellant No.3 served notices under section 28(2) upon the notified khatedar inviting objections. It is submitted that the Appellant No.3 has passed an order under section 28(3) of the KIAD Act, 1966, thereby, proposing to issue final notification. The final notification under section 28(4) of the KIAD Act, 1966 came to be issued on 21-07-2010 notifying for formation of Industrial Area.

4. I submit that the Appellant No.2 served notices under section 28(2) upon the notified khatedar inviting objections. Thereafter the Appellant No.2 has passed an order under section 28(3) of the KIAD Act, 1966, thereby, proposing to issue final notification. The final notification under section 28(4) of the KIAD Act, 1966 came to be issued on 21-07-2010 notifying land No. 19, measuring 5 acres 3 guntats, 'A' kharab measuring 5 guntas 'B' Kharab measuring 8 guntas total measuring 5 acres 16 guntas and land bearing survey no.43, measuring 5 acres 9 Guntas 'A' kharab measuring 16 Guntas, total measuring 5 acre 25 Guntas



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situated at Beeragondanahalli Village, Nelamangala Taluk, Bengaluru Rural District.

5. Thereafter, the Appellants passed an award under Section 29(2) of the KIAD Act only to the extent 5 acre 3 guntas in sy.no.19 and land measuring 5 acres 9 Guntas in sy no.43. They have not awarded or paid compensation for the remaining 'A' kharab land, stating that there is no provision to pay compensation for 'A' Kharab land.

6. As things stood thus, Respondent no.1 filed as representation dated 28.01.2015 (Annexure-D) to the appellant no.3 seeking to award compensation for the 'A' kharab land measuring 16 guntas.

7. The respondent No.1 has filed writ petition No.1576/2022 before this Hon'ble Court, seeking direction to appellants to consider the representation of the respondent No.1 vide Annexure 'C & C1'.

8. The Learned Single Judge of this Hon'ble Court, after hearing both parties, was pleased to dispose of the Writ Petition with the following direction:

"For the aforesaid reasons, the writ petition is disposed of directing the Special Land Acquisition Officer/ Respondent No.4 to consider the representation submitted by the brother of the petitioner vide Annexure-D dated 28.01.2015 in accordance with law, keeping in view the order passed by this Court in the case of SADASHIVAIAH (supra), within three months from the date of receipt of a copy of this order."

9. The Respondent no.1 on receipt of the order passed in WP No.1254/2022 filed a representation without producing any documents to show his



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ownership over the lands concerned. The Appellant no.2 thereafter issued a letter on 14-03-2023 (Annexure-R) intimating the Respondent no.1 to produce the documents pertaining to regularisation of 'A' kharab land. requesting the Respondent no.1 to attend the enquiry on along with the revenue records on which the Respondent No.1 is claiming compensation.

10. I state that the learned Single Judge failed to appreciate that mere inclusion of 'A' Kharab land within the survey number or mere possession thereof does not confer ownership or entitlement to compensation. Unless the claimant establishes that the land has been validly regularised or reclassified in accordance with the government circulars dated 12.05.2024 and 12.05.2024. The learned Single Judge overlooked the settled legal position that 'A' Kharab land ordinarily vests in the Government and compensation is not payable unless the claimant establishes, by acceptable revenue records, that such land stood validly regularised or formed part of her legally recognised holding.

11. The respondent has filed contempt petition for implementation of order dated 27-1-2022 passed in Writ petition No. 1576/2022 by the Learned Single Judge of this Hon'ble Court, same is pending consideration before this Hon'ble Court, the respondent will likely to take coercive steps against the appellants, if he has taken, the appellant will be put great hardship and loss, which cannot compensated in term of money therefore, it is just and necessary to stay the impugned order dated 27-1-2022 passed by the Learned Single Judge of Hon'ble Court.

12. I have got good case on merit, if the application is allowed the appellant is put great hardship and loss, if the application is allowed no prejudice would be caused to other side.



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Wherefore, it is prayed that this Hon'ble court may please to allow the accompanying application as prayed for, in the above appeal in the interest of justice and equity."

4. We have gone through the affidavit, it does not disclose any such administrative exigencies instead it talks about the merits of the case.

5. We find no reason to condone the said inordinate delay and laches in approaching this Court. Even otherwise, on merit, we do not find impugned judgment and order requires interference by this Court. We therefore, dismiss the appeal on account of delay as well as on merit.

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

**Sd/-
(H.SHANTHI BHUSHAN)
JUDGE**

BVK
List No.: 1 Sl No.: 9