



CNR: KAHC010532772006

NC: 2026:KHC:34463
WP No. 18596 of 2006
C/W WP No. 11568 of 2008

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. 18596 OF 2006 (LA-KHB)
C/W

WRIT PETITION NO. 11568 OF 2008 (LA-RES)

IN WP No. 18596/2006

BETWEEN:

1. SRI. M. NAGARAJU
S/O MUNIYAPPA
AGED ABOUT 57 YEARS
R/AT HINNAKKI VILLAGE
JIGANI HOBLI, ANEKAL TALUK
BANGALORE DISTRICT.
2. SMT. PARVATHAMMA
W/O SRI. M. NAGARAJU
AGED ABOUT 45 YEARS
R/AT HINNAKKI VILLAGE
JIGANI HOBLI, ANEKAL TALUK
BANGALORE DISTRICT.

...PETITIONERS

(BY SRI. JAYAKUMAR S. PATIL, SENIOR ADVOCATE FOR
SRI. PRASHANTH P.N., ADVOCATE)

AND:

1. GOVERNMENT OF KARNATAKA
REVENUE DEPARTMENT
5TH FLOOR, M.S. BUILDING
BANGALORE-560 001
REPRESENTED BY ITS SECRETARY
2. THE COMMISSIONER
KARNATAKA HOUSING BOARD
KAVERI BHAVAN, BANGALORE

Digitally
signed by
HEMALATHA J
Location:
HIGH COURT
OF
KARNATAKA



CNR: KAHC010532772006

NC: 2026:KHC:34463
WP No. 18596 of 2006
C/W WP No. 11568 of 2008

3. THE SPECIAL LAND ACQUISITION OFFICER
KARNATAKA HOUSING BOARD
KAVERI BHAVAN, BANGALORE.

...RESPONDENTS

(BY SRI. ADITYA DIWAKAR, ADDITIONAL GOVERNMENT ADVOCATE
FOR RESPONDENT NO.1;

SMT. PUSHPAKANTHA, ADVOCATE FOR RESPONDENT NOS.2 AND 3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227
OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE FINAL
NOTIFICATION NO.KUM.E.76.BHU.SWA.BE 2006 DATED 02.11.2006
UNDER THE ORIGINAL OF ANNEXURE-E IN RESPECT OF SY.NO.93/2,
HINNAKKI VILLAGE, JIGNI HOBLI, ANEKAL TALUK, BANGALORE
DISTRICT.

IN WP NO. 11568/2008

BETWEEN:

1. SRI. M. NAGARAJU
S/O. MUNIYAPPA
AGED ABOUT 57 YEARS
R/AT HINNAKKI VILLAGE
JIGANI HOBLI, ANEKAL TALUK
BANGALORE DISTRICT.
2. SMT. PARVATHAMMA
W/O. SRI. M. NAGARAJU
AGED ABOUT 45 YEARS
R/AT HINNAKKI VILLAGE
JIGANI HOBLI, ANEKAL TALUK
BANGALORE DISTRICT.

...PETITIONERS

(BY SRI. JAYAKUMAR S. PATIL, SENIOR ADVOCATE FOR
SRI. PRASHANTH P.N., ADVOCATE)

AND:

1. GOVERNMENT OF KARNATAKA
REVENUE DEPARTMENT
5TH FLOOR, M.S.BUILDING



CNR: KAHC010532772006

NC: 2026:KHC:34463
WP No. 18596 of 2006
C/W WP No. 11568 of 2008

BANGALORE-560 001
REPRESENTED BY ITS SECRETARY

2. THE COMMISSIONER
KARNATAKA HOUSING BOARD
KAVERI BHAVAN
BANGALORE-560001.
3. THE SPECIAL LAND ACQUISITION OFFICER
KARNATAKA HOUSING BOARD
KAVERI BHAVAN,
BANGALORE-560001.

...RESPONDENTS

(BY SRI. ADITYA DIWAKAR, ADDITIONAL GOVERNMENT ADVOCATE
FOR RESPONDENT NO.1;

SRI. BASAVARAJ V. SABARAD, SENIOR ADVOCATE FOR SRI.
H.L.PRADEEP KUMAR, ADVOCATE FOR RESPONDENT NOS.2 AND 3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227
OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE FINAL
NOTIFICATION NO.LAQ S.R.5/04-05 DATED 21.10.2006 UNDER THE
ORIGINAL OF ANNEXURE-Q IN RESPECT OF SY.NO.171 AND 172/3
(PART OF SY.NO.172) AND HINNAKKI VILLAGE, JIGNI HOBLI,
ANEKAL TALUK, BANGALORE DISTRICT.

THESE PETITIONS, COMING ON FOR FINAL HEARING, THIS
DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE R. NATARAJ

ORAL ORDER

W.P.18596/2006 is filed for a writ in the nature of
certiorari to quash the final notification bearing
No.Kum.E.76.Bhu.Swa.BE 2006 dated 02.11.2006 in respect of
Sy.No.93/2 of Hinnakki village, Jigani Hobli, Anekal Taluk,
Bengaluru District.



NC: 2026:KHC:34463
WP No. 18596 of 2006
C/W WP No. 11568 of 2008

CNR: KAHC010532772006

2. W.P.11568/2008 is filed for a writ in the nature of certiorari to quash the final notification bearing No.Kum.E.76.Bhu.Swa.BE 2006 dated 02.11.2006 in respect of Sy.Nos.171 and 172/3 (part of Sy.No.172) of Hinnakki village, Jigani Hobli, Anekal Taluk, Bengaluru District.

3. Facts as pleaded in W.P.No.18596/2006:

(i) The petitioner No.1 is the husband of petitioner No.2 and they purchased the land bearing Sy.No.93/2 of Hinnakki village in terms of a sale deed dated 10.04.1987. On an application filed by them for conversion of land for non-agricultural use, the Assistant Commissioner passed an order of conversion bearing No.ALN/SR(A)145/2005-06 dated 07.10.2005. The petitioners intended to form a residential layout and therefore, filed an application before Bangalore Metropolitan Region Development Authority (BMRDA) for approval of the layout plan. They also obtained necessary 'No objection' certificate from the Karnataka State Pollution Control Board (KSPCB) and other authorities. The petitioners claim that they came to know of a notification issued by the respondent No.2 dated 01.04.2005 proposing to acquire their



NC: 2026:KHC:34463
WP No. 18596 of 2006
C/W WP No. 11568 of 2008

land. The petitioners filed their objections claiming that there were fruit bearing trees in the lands and that they had constructed a house in an area measuring 32' x 12' and 50' x 25'. The petitioners were called upon to appear for enquiry under Section 5A of the Land Acquisition Act, 1894. The petitioners were thereafter not notified of the proceedings of the enquiry. However, a final notification dated 02.11.2006 was issued by the respondent No.1 to acquire the land in Sy.No.93/2 and other lands of Hinnakki village. The petitioners claim that the final notification is illegal in as much as the acquisition was for the purpose of formation of a residential layout, while the petitioners had also got it converted for the same use and the planning authority had issued the required permission and had approved a layout plan for formation of sites. Therefore, they contended that there is no need for acquisition of the land in question.

4. Facts as pleaded in W.P.No.11568/2008:

(i) The petitioners claim that petitioner No.1 is the owner of 14 guntas of land in Sy.No.172 of Hinnakki Village, while the petitioner No.2 is the owner of 29 guntas of land in



CNR: KAHC010532772006

NC: 2026:KHC:34463
WP No. 18596 of 2006
C/W WP No. 11568 of 2008

Sy.No.171 and 13 guntas of land in Sy.No.172 of Hinnakki village. They contend that they filed application for conversion of the aforesaid lands for non-agricultural purposes and that the appropriate authority had converted the aforesaid lands for non-agricultural purposes. The petitioners desired to form a residential layout in Sy.Nos.91/1, 171 and 172 of Hinnakki village and applied to the concerned authority for permission and consent. They also filed application before the BMRDA on 30.06.2005 to form a residential layout. On 05.08.2005, BMRDA wrote a letter stating that Karnataka Industrial Areas Development Board (KIADB) intends to acquire the land and hence, request of the petitioners for sanction of the layout plan cannot be considered. Thereafter, the petitioners applied to KIADB seeking information and status of the acquisition of their land. KIADB issued an endorsement stating that the lands of the petitioners in the above survey numbers are not acquired. Thereafter, petitioner No.1 addressed a letter to the BMRDA along with endorsement issued by KIADB, following which they were called upon to submit various other documents. The petitioners submitted the documents sought for. When they



CNR: KAHC010532772006

NC: 2026:KHC:34463
WP No. 18596 of 2006
C/W WP No. 11568 of 2008

were anticipating sanction of a layout plan, respondent No.2 issued a preliminary notification proposing to acquire Sy.Nos.172 and 172/3 and final notification was issued on 02.11.2006 declaring the intent of the State Government to acquire the above lands for formation of a residential layout.

(ii) The petitioners contend that since they have got converted the land for non-agricultural residential use, respondent Nos.1 and 2 cannot take any steps to acquire the very same land for residential purposes. They contend that object of acquisition is frustrated in as much as the land is converted for non-agricultural use and layout plan is duly approved by the competent authorities. They contend that if events prior to and subsequent to the declaration have been taken note, then the purpose of notification has been duly achieved. They also contend that there is no need for acquisition of their lands and that their lands are situate on the border of Linganapura village and therefore, can be excluded from acquisition without affecting contiguity and compactness.



NC: 2026:KHC:34463
WP No. 18596 of 2006
C/W WP No. 11568 of 2008

CNR: KAHC010532772006

5. (i) A statement of objections is filed by the respondent Nos.2 and 3 who contend that a notification under Section 4(1) of the Land Acquisition Act was issued on 01.04.2005 proposing to acquire 829.39 acres at Hinnakki, Marasur and Lingapura villages for construction of houses. Out of the said extent 482.29 acres was notified in Hinnakki village. They contend that the land in Sy.No.93/2 measuring 3 acres 32 guntas, land Sy.No.171 measuring 1 acre 18 guntas and land in Sy.No.172 measuring 1 acre 26 guntas were also notified for acquisition. As per the revenue records for the relevant period, petitioners were the khatedars and therefore, their names were notified in the notification. Notice of the preliminary notification was served on the notified khatedars on 23.08.2005. On 25.04.2006, petitioners filed objections stating that the lands in Sy.Nos.171 measuring 1 acre 18 guntas, Sy.No.172 measuring 27 guntas, Sy.No.92 measuring 7 guntas were converted for non-agricultural purposes on 13.04.2005 and the land in Sy.No.93/2 measuring 3 acres 32 guntas was converted for non-agricultural purposes on 07.10.2005. The petitioners were served with notice on 08.04.2006 and were required to appear



CNR: KAHC010532772006

NC: 2026:KHC:34463
WP No. 18596 of 2006
C/W WP No. 11568 of 2008

for enquiry on 25.04.2006. It is claimed that representative of the petitioners appeared for enquiry and a request was made for adjournment to produce relevant documents. Accordingly, enquiry was adjourned to 04.05.2006. The petitioner No.1 appeared on 04.05.2006 and produced documents showing conversion of lands and he was heard. The petitioners stated that they had formed sites and development had been taken place and therefore, their lands be deleted from acquisition. The Land Acquisition Officer thereafter conducted a spot inspection on 30.06.2006 and found that the land belonging to the petitioners were located in the midst of the project area proposed for acquisition. However, since the land in Sy.No.91/1 measuring 2 acres 12 guntas was converted prior to the issue of preliminary notification, the objections were considered and a report was sent to delete this land from acquisition. At the same time, the Land Acquisition Officer on consideration of the objections came to the conclusion that the remaining lands cannot be excluded from the acquisition and therefore, sent a report to the Government to proceed further for acquisition of the lands.



CNR: KAHC010532772006

NC: 2026:KHC:34463
WP No. 18596 of 2006
C/W WP No. 11568 of 2008

(ii) It is contended that the lands in Sy.Nos.172, 171 and 93/2 were alienated after issuance of preliminary notification. The documents which are produced along with the writ petitions are all subsequent to the preliminary notification and therefore, are to be ignored as irrelevant. It is contended that report sent by the Land Acquisition Officer under Section 5A of the Land Acquisition Act was considered by the Government and thereafter, the final declaration was issued on 02.11.2006 and published in the Karnataka Gazettee on 09.11.2006. The respondents have taken steps for its publication as required under the Land Acquisition Act. It is claimed that after acquisition of the land, negotiations were held with the owners of the lands notified. The land owners from these villages wanted to sell and dispose off the lands by consent. Therefore, the case was placed before the Board at a meeting held on 23.08.2006. It was decided to pay Rs.34,00,000/- per acre and the Board authorized the Housing Commissioner to purchase 829.39 acres under Section 33(1) of the Karnataka Housing Board Act, 1962. The said decision was approved by the Government vide Order



CNR: KAHC010532772006

NC: 2026:KHC:34463
WP No. 18596 of 2006
C/W WP No. 11568 of 2008

No.HUD.306/KHB.2006 dated 23.01.2007. Thereafter, Karnataka Housing Board submitted proposals to Revenue Department to accord approval to frame consent award under Section 11(2) of the Land Acquisition Act and said proposal was approved on 18.01.2007. It is claimed that the Board has framed consent awards in respect of 261 acres of land at Hinnakki, Marasur and Lingapura and possession has also been taken.

(iii) It is contended that the conversion of the land and applications for approval of plan, NOC etc., set out in the writ petitions are contrary to public policy and Sections 4(2) and 24 of the Land Acquisition Act. The petitioners have no authority to form layout without approval of the planning authority. They contend that it may be true that the KSPCB has given consent for establishment and clearance of water and air pollution control point to the housing layout on 09.10.2005 in Sy.No.93/2. It may also be true that BMRDA has approved the layout plan on 13.06.2006 in respect of some other lands, but no importance or legality can be attached to the said acts as they are subsequent to the preliminary notification and cannot



CNR: KAHC010532772006

NC: 2026:KHC:34463
WP No. 18596 of 2006
C/W WP No. 11568 of 2008

be a ground for quashing acquisition proceedings. It is contended that under Section 33(2) of the Karnataka Housing Board Act, every acquisition for the Board is for 'public purpose' and the contention that the petitioners were not informed/notified is false and denied. It is also contended that except the petitioners none of the other land owners have raised any objections to the acquisition proceedings and almost all the land owners have come forward and given their consent for acquisition and agreed to accept the compensation fixed by the Board. Therefore, it is claimed that the writ petitions are frivolous and liable to be rejected. It is also contended that the W.P.No.11568/2008 is filed after inordinate delay of two years.

6. (i) The learned Senior counsel for the petitioners contended that an application to convert the land in Sy.Nos.171 and 172 was filed on 09.02.2005, which is prior to the notification under Section 4(1) of Land Acquisition Act. He contends that though an official memorandum converting the land was issued after the notification under Section 4(1) of the Land Acquisition Act, nevertheless, must have been treated as converted land and must have been excluded from acquisition



CNR: KAHC010532772006

NC: 2026:KHC:34463
WP No. 18596 of 2006
C/W WP No. 11568 of 2008

like Sy.No.91/1 in whose case application was filed on 09.02.2005. He therefore, contends that the petitioners have applied different yardsticks in identifying land for acquisition.

(ii) He contends that it has been the policy of the Board not to acquire land that is converted for non-agricultural purposes. He submitted that a Co-ordinate Bench of this Court while considering acquisition for the Board in W.P.No.43342/2015 and connected petitions held that,

"With regard to lands which have been converted for residential or industrial purposes, it is seen from the documents produced that KHB has left out similarly situated lands from acquisition except those areas that are required for formation of roads as per the comprehensive development plan. Admittedly, the land is sought to be acquired for formation of a residential layout by KHB. If the land is already converted for residential or industrial purposes, under the given peculiar facts and circumstances of the case, this Court is of the opinion it would not be appropriate for the respondents to acquire the same, except the area that is required for formation of road as per the comprehensive development plan in respect of the area concerned."



NC: 2026:KHC:34463
WP No. 18596 of 2006
C/W WP No. 11568 of 2008

CNR: KAHC010532772006

He therefore, contended that petitioners are entitled to raise this ground to assail the notifications.

(iii) He contends that soon after the lands in Sy.Nos.171 and 172 were converted for residential purpose, the petitioners had submitted representation dated 04.07.2005 requesting respondent No.2 not to acquire the above lands, followed by another representation dated 18.08.2006, which were not considered.

(iv) He further contended that the land in the Sy.Nos.171, 172 and 93/2 are all situate adjacent to the village. He contends that after conversion of the land, a layout of residential sites was approved by the Panchayath after obtaining the technical approval of BMRDA under Section 10 of the Bangalore Metropolitan Region Development Authority Act, 1985. He submitted that in response to the petition No.1007 dated 07.02.2006, 16.03.2006 and 31.05.2006, BMRDA has also released the sites formed in Sy.Nos.93/2 and 91/1.

(v) He contended that the respondent No.2 has neither deposited the award amount nor taken possession of the



NC: 2026:KHC:34463
WP No. 18596 of 2006
C/W WP No. 11568 of 2008

CNR: KAHC010532772006

acquired land and hence, the acquisition has lapsed under Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

(vi) Lastly, he contended that the Division Bench of this Court while disposing off W.A.Nos.1244-1245/2009 had held that the Board did not place any material to show the strict compliance of Sections 18 to 23 of Karnataka Housing Board Act. Therefore, the acquisition is bound to be set at nought for non-compliance of mandatory provisions of law.

(vii) He contended that a large extent of land in various survey numbers were excluded from acquisition. In this regard, he invited the attention of the Court to the three endorsements all dated 02.01.2026 and contended that land in Sy.Nos.8/1, 26, 42/1, 47/2, 138, 158, 183/2, 395, 406, 413/2, 415/3 of Hinnakki village were all notified for acquisition, while lands in Sy.Nos.91/1, 158, 189/2, 190/1, 134, 135, 412/1, 412/2 and 413/1 were excluded from acquisition. He contends that whenever such similarly placed lands are de-notified from acquisition, then a landloser is entitled to seek similar



NC: 2026:KHC:34463
WP No. 18596 of 2006
C/W WP No. 11568 of 2008

treatment at the hands of this Court. He therefore, prays that the case of the petitioners be considered in the light of the above act of the respondents in treating similarly placed persons differently.

7. (i) Per contra, the learned Senior counsel for respondent Nos.2 and 3 submitted that the petitioners are not entitled to urge any other ground than the non-compliance of Section 24 of the Karnataka Housing Board Act. He contends that this ground is also not available in view of the judgment of the Hon'ble Apex Court in ***Karnataka Housing Board and another vs State of Karnataka and others [(2022) 18 SCC 94]***. He thus contends that no indulgence can be shown to the petitioners in these petitions.

(ii) He contended that the grounds urged by the petitioners now were already considered by this Court when these writ petitions were disposed off on 06.02.2009, where this Court held as follows:

"9. In so far as last two contentions regarding conversion as well as certain other lands have been left out, it is to be noticed that the total extent of land notified



CNR: KAHC010532772006

NC: 2026:KHC:34463
WP No. 18596 of 2006
C/W WP No. 11568 of 2008

is 829.39 acres and under the final notification 754.22 acres was acquired. It is no doubt true that about 6 acres of land was left out of the acquisition, but that by itself, it cannot be said that there is malafide in the acquisition. The petitioners no doubt would contend that all the lands are converted. Hence the very purpose for which the land is acquired will be put to use for the same purpose by the petitioners. Indeed it is no doubt true that in respect of the lands conversion has been granted and in some cases conversion is still pending. Indeed Sy. No. 91/1 which measures 2 acres 12 guntas is excluded from the acquisition on the ground that it has been converted. But however such conversion has taken place before issuance of the preliminary notification. In so far as remaining lands are concerned, the conversion has taken place after the issuance of the preliminary notification. The Board in the statement of objection has stated that indeed an effort was made by the authority to delete the lands by conducting spot inspection on 30.6.2006. But however it could not be given effect to, inasmuch as, the lands would come in the middle of the project."

He therefore contends that the petitioners cannot raise these grounds again as they are barred by the principles of *res judicata*.

(iii) He contended that the petitioners did not raise these grounds but restricted the ground to non-compliance of



NC: 2026:KHC:34463
WP No. 18596 of 2006
C/W WP No. 11568 of 2008

Section 24 of Karnataka Housing Board Act. He contends that the Division Bench therefore remitted the matter to this Court to examine whether there is compliance of Sections 18 to 23 of Karnataka Housing Board Act and whether there was sanction from the Government under Section 24 of Karnataka Housing Board Act. He thus contends that the petitioners cannot urge any other ground than the one mentioned above, which is now no longer *res integra* in view of the judgment of the Hon'ble Apex Court, referred supra.

(iv) He contends that the judgment of the Division Bench in W.A.Nos.1244-1245/2009 was challenged before the Hon'ble Supreme Court of India. The petitioners withdrew the Civil Appeal with liberty to appear before this Court in W.P.No.18596/2006 and W.P.No.11568/22008 (the instant petitions). He therefore, contends that the petitioners can urge only a solitary ground regarding non-compliance of Sections 18 to 23 of Karnataka Housing Board Act and nothing more.

8. I have considered the submissions of the learned Senior counsel for the petitioners and the learned Senior counsel for respondent Nos.2 and 3.



NC: 2026:KHC:34463
WP No. 18596 of 2006
C/W WP No. 11568 of 2008

9. These writ petitions were dismissed in terms of an order dated 06.02.2009, which was then challenged before the Division Bench in W.A.Nos.1244-1245/2009. The Division Bench while holding that the acquisition of the land can take place without prior approval of the housing scheme under Section 33(2) of the Karnataka Housing Board Act, remitted the case to this Court on the question of compliance of Sections 18 to 23 of the Karnataka Housing Board Act. Thereafter, the petitioners herein challenged the said order of the Division Bench before the Hon'ble Apex Court in SLP (Civil) Nos.16699-16700/2013 (C.A.Nos.9002-9003/2013). The Hon'ble Apex Court granted an interim order directing both the parties to maintain *status-quo*. This was clubbed with C.A.No.4986/2022, C.A.Nos.7011-7013/2013, and C.A.Nos.7017-7019/2013, where the question that fell for consideration was,

"Whether initiation of the proceedings for acquisition of land for the purposes of the Karnataka Housing Board, invoking the power under Section 33(2) of the Karnataka Housing Board Act, 1962, without the housing scheme being in existence or the housing scheme not having been sanctioned under Section 24(2) thereof, would render such acquisition proceedings void or non-est?"



CNR: KAHC010532772006

NC: 2026:KHC:34463
WP No. 18596 of 2006
C/W WP No. 11568 of 2008

The Hon'ble Apex Court while answering the aforesaid question held,

"Initiation of proceedings for acquisition invoking the power under Section 33(2) of the KHB Act without the housing scheme being in existence or the housing scheme not having been sanctioned under Section 24(2) thereof, would not render such proceedings null and void."

It also held that,

"Unless sanction is obtained from the State Government for execution of any scheme therein, in terms of Section 24(2) of KHB Act, the actual act to complete process i.e., execution shall not be effected thereon."

After having held so, the Hon'ble Apex Court held,

"(ii) In Civil Appeal Nos.7011-13/2013, 9002-9003/2013 and 7017-19/2013 the position is that as per the common judgment and orders respectively in Writ Petition Nos.4625/2004, 18596/2006, 11568/2008 and 47616/2004 dated 26.4.2013 and also the judgment in Writ Appeal Nos.1244-45/2009, the Division Bench virtually decided that for initiation of acquisition proceedings for the purposes of KHB, existence of a sanctioned and published scheme is not a pre-condition. Consequently, the Division Bench confirmed the decision of the leaned Single Judge on that question and



NC: 2026:KHC:34463
WP No. 18596 of 2006
C/W WP No. 11568 of 2008

CNR: KAHC010532772006

thereupon, the Writ Petitions concerned/Writ Appeals were disposed of with request to the learned Single Judge to decide whether Sections 18-23 of the KHB Act were complied with or not. Obviously, those Writ Petitions are now pending. The issue is whether in view of the facts involved in those cases, the question of scrupulous adherence to Sections 18 - 23 of the KHB Act survives or needs to be followed, requires consideration depending upon the nature of the acquisition and other relevant facts. Hence, civil appeals shall be listed before the appropriate bench for consideration on their own merits, subject to this judgment."

10. The petitioners thereafter filed an application for withdrawal of C.A.Nos.9002-9003/2013 and accordingly, C.A.Nos.9002-9003/2013 (SLP (Civil) Nos.16699-16700/2013) were dismissed as withdrawn on 07.03.2025 and the petitioners were relegated before the learned Single Judge, who was hearing these writ petitions on the short ground regarding non-compliance of Sections 18 to 23 of Karnataka Housing Board Act.

11. Therefore, the remand to this Court is only to verify whether there was strict compliance of Sections 18 to 23 of the Karnataka Housing Board Act and whether there was a prior



NC: 2026:KHC:34463
WP No. 18596 of 2006
C/W WP No. 11568 of 2008

CNR: KAHC010532772006

sanction of the Government as mandated under Section 24 of the Karnataka Housing Board Act. The petitioners cannot attempt to re-argue or re-agitate grounds that they have already exhausted or failed to urge before this Court when these petitions were disposed off on 06.02.2009.

12. (i) In support of the contention that there was proper compliance of Sections 18 to 23 of Karnataka Housing Board Act, an affidavit of the Special Land Acquisition Officer is filed on 10.03.2026, wherein it is stated that in compliance of Sections 18 and 19, a proposal to acquire 300 acres of land in Jigani Hobli, Anekal Taluk, was submitted to the State Government on 12.04.2005. Later, the State Government vide its letter dated 20.07.2005 sought certain information such as (i) approval of the Board for proposed scheme, (ii) total expenditure for scheme, (iii) whether scheme is sponsored by Government or Boards own funds, (iv) details of land proposed for acquisition. Later, the Board furnished the information on 10.01.2006. Hence, the State Government sanctioned the scheme as provided under Section 20 of the Karnataka Housing Board Act on 13.07.2007. This was then published on 10.11.2011 as prescribed under Section 21 of the Karnataka



CNR: KAHC010532772006

NC: 2026:KHC:34463
WP No. 18596 of 2006
C/W WP No. 11568 of 2008

Housing Board Act. Likewise, in respect of the acquisition of the land of petitioners, the preliminary notification was issued on 01.04.2005 and final notification was issued on 02.11.2006. A scheme/programme was submitted on 26.02.2009, which was approved by the State Government on 18.05.2010 and published on the official gazette dated 01.03.2012 in compliance with Section 21 of the Karnataka Housing Board Act. Therefore, there is compliance of Sections 18 to 21 of Karnataka Housing Board Act. It is not the case of the petitioners that there was a supplementary programme and budget which required sanction of the State Government under Section 20 and publication under Section 21 of the Karnataka Housing Board Act. Likewise, there was no variation of the sanctioned programme to comply with the requirement under Section 23 of the Karnataka Housing Board Act. As rightly contended by the learned Senior counsel for respondent Nos.2 and 3, the compliance of Section 24 of Karnataka Housing Board Act is more or less become academic in view of the judgment of the Hon'ble Apex Court in ***Karnataka Housing Board and another vs State of Karnataka and others [(2022) 18 SCC 194]*** where it is held;



CNR: KAHC010532772006

NC: 2026:KHC:34463
WP No. 18596 of 2006
C/W WP No. 11568 of 2008

"57. In short, as a whole, the purport of Section 24 is that no housing scheme or land development scheme or labour housing scheme, undertaken by KHB shall be executed sans sanction from the State Government. Sub-section (2) of Section 24 cannot be interpreted as one requiring obtainment of a second sanction for executing such schemes included in the programme. On the contrary, the provision under Section 24(2) has to be interpreted as one enabling KHB to undertake such schemes which were not included in the programme, but became necessary to undertake, subject to sanction from the Government. According to us, such a construction will only subserve the purpose of constitution of KHB."

(ii) Since Section 24(1) of Karnataka Housing Board Act is complied, the question referred to this Court by the Division Bench stands completely answered.

13. Hence, these petitions are ***dismissed***.
Consequently, pending applications stand rejected.

**Sd/-
(R. NATARAJ)
JUDGE**

PMR
List No.: 1 Sl No.: 47