

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 20TH DAY OF AUGUST, 2026

PRESENT

THE HON'BLE MR. JUSTICE M.NAGAPRASANNA

AND

THE HON'BLE MR. JUSTICE VENKATESH NAIK T

WRIT APPEAL No.1156 OF 2022 (LA - BDA)

C/W

WRIT APPEAL No.1164 OF 2022 (LA - BDA)

IN WRIT APPEAL No.1156 OF 2022

BETWEEN:

- 1 . SRI V.RAGHU
AGED ABOUT 63 YEARS
S/O LATE SRI VENKATASWAMAPPA
RESIDING AT FARM HOUSE, M.S.PALYA
VIDYARANYAPURA POST
YELAHANKA HOBLI
BENGALURU – 560 097.
2. SMT.VASANTHA RAGHU
W/O SRI V.RAGHU
AGED ABOUT 63 YEARS
RESIDING AT FARM HOUSE, M.S.PALYA
VIDYARANYAPURA POST
YELAHANKA HOBLI
BENGALURU – 560 097.

Digitally
signed by
PADMAVATHI
B K

Location:
High Court of
Karnataka

3. SRI KEERTHI KUMAR
S/O V.RAGHU
AGED ABOUT 33 YEARS
RESIDING AT FARM HOUSE, M.S.PALYA
VIDYARANYAPURA POST
YELAHANKA HOBLI
BENGALURU – 560 097.

APPELLANTS 2 AND 3 ARE AMENDED AS PER COURT ORDER
DATED 25.04.2024.

... APPELLANTS

(BY SRI ASHOK HARANAHALLI, SR. ADVOCATE A/W.
SRI VARUN GOWDA, ADVOCATE FOR A-1 AND
SRI RAJA RAGHAVENDRA NAIK, ADVOCATE FOR A-2 AND A-3)

AND:

- 1 . THE STATE OF KARNATAKA
REPRESENTED BY ITS
PRINCIPAL SECRETARY
DEPARTMENT OF URBAN DEVELOPMENT
M.S.BUILDING, DR.AMBEDKAR VEEDI
BENGALURU – 560 001.
- 2 . BANGALORE DEVELOPMENT AUTHORITY
T.CHOWDAIAH ROAD,
KUMARA PARK WEST
BENGALURU – 560 020.

... RESPONDENTS

(BY SMT.HEMALATHA V., AGA FOR R1
SRI SHIVAPRASAD M.SHANTANAGOUDAR, ADVOCATE FOR R-2)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE
KARNATAKA HIGH COURT ACT, 1961 PRAYING TO THE IMPUGNED
JUDGMENT AND ORDER PASSED BY THE HON'BLE SINGLE BENCH

MAY KINDLY BE PLEASED TO SET ASIDE THE ORDER DATED 29-11-2021 IN WP No.2285/2021. THE APPELLANT FURTHER PRAYS THAT THIS HON'BLE COURT MAY GRACIOUSLY BE PLEASED TO PASS APPROPRIATE ORDER/ ORDERS AS THIS HON'BLE COURT MAY DEEM IT JUST AND PROPER IN THE FACTS AND CIRCUMSTANCES.

IN WRIT APPEAL No.1164 OF 2022

BETWEEN:

SRI V.RAGHU
 AGED ABOUT 63 YEARS
 S/O LATE SRI VENKATASWAMAPPA
 RESIDING AT FARM HOUSE, M.S.PALYA
 VIDYARANYAPURA POST
 YELAHANKA HOBLI,
 BENGALURU – 560 097.

... APPELLANT

(BY SRI ASHOK HARANAHALLI, SENIOR ADVOCATE A/W.,
 SRI VARUN GOWDA, ADVOCATE)

AND:

- 1 . THE STATE OF KARNATAKA
 REPRESENTED BY ITS
 PRINCIPAL SECRETARY
 DEPARTMENT OF URBAN DEVELOPMENT
 M.S.BUILDING, DR. AMBEDKAR VEEDI
 BENGALURU – 560 001.
- 2 . BANGALORE DEVELOPMENT AUTHORITY
 T.CHOWDAIAH ROAD, KUMARA PARK WEST
 BENGALURU – 560 020.

... RESPONDENTS

(BY SMT.HEMALATHA V., AGA FO R1;

SRI SHIVAPRASAD M.SHANTANAGOUDAR, ADVOCATE FOR R2)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT, 1961 PRAYING TO SET ASIDE THE ORDER DATED 29-11-2021 IN THE WP NO.2295/2021. THE APPELLANT FURTHER PRAYS THAT THIS HON'BLE COURT MAY GRACIOUSLY BE PLEASED TO PASS APPROPRIATE ORDER/ORDERS.

THESE WRIT APPEALS HAVING BEEN HEARD AND RESERVED FOR JUDGMENT, COMING ON FOR PRONOUNCEMENT THIS DAY, **M. NAGAPRASANNA, J.**, DELIVERED THE FOLLOWING:-

CORAM: THE HON'BLE MR. JUSTICE M.NAGAPRASANNA
AND
THE HON'BLE MR. JUSTICE VENKATESH NAIK T

CAV JUDGMENT

(PER: **HON'BLE MR JUSTICE M.NAGAPRASANNA**)

The appellants, in both these cases, are common. The challenge is also common, but the extent of land is different. Therefore, the two are taken up together and considered by this common judgment.

2. The appellants in these appeals call in question common order dated 29-11-2021 passed by the learned single Judge in Writ Petition Nos. 2285 of 2021 and 2295 of 2021 and seek the prayers that are sought in the writ petitions to be granted.

3. Facts, in brief, germane are as follows:-

3.1. The appellants in W.A.No.1156 of 2022 claim to be the owners in possession of lands bearing Sy.No.24 measuring 1 acre and 23 guntas; Sy.No.25/1 measuring 2 acres and 2½ guntas; Sy.No.25/2 measuring 1 acre and 38 guntas; Sy.No.29/1 measuring 23 guntas; Sy.No.29/2 measuring 2 acres and 38 guntas; Sy.No.29/4 measuring 2 acres and 18 guntas; Sy.No.30/1 measuring 27 guntas; Sy.No.30/3 measuring 25 guntas; Sy.No.30/4 measuring 31 guntas, totally measuring 13 acres and 25.8 guntas situated at Byalakere Village, Hesaraghatta Hobli, Bangalore North Taluk, Bangalore.

3.2. The appellant in W.A.No.1164 of 2022 claim to be in possession of the land bearing Sy.No.63/1 measuring 7 acres and 13 guntas, Sy.No.63/2P1 measuring 3 acres 20 guntas and Sy.No.65/3 measuring 4 acres and 1 gunta, totally measuring 14 acres and 34 guntas, situate at Jarakbande Kaval Village, Yelahanka Hobli, Bangalore North Taluk.

3.3. It is the claim of the appellants that after paying requisite fees for conversion, the lands are converted from the status of they being agriculture to non-agricultural purposes for the purpose of education. During the subsistence of the ownership of lands by the appellants, a preliminary notification comes to be issued under Section 17 of the Bangalore Development Authority Act, 1976 seeking to acquire vast parcels of lands for the purpose of formation of Dr. K. Shivaram Karanth Layout. Certain petitions come to be filed before this Court in Writ Petition No.9640 of 2014 and connected cases wherein a learned single Judge of this Court allowed the petitions on 26-11-2014 and quashed the preliminary notification. This was challenged before the Division Bench by the BDA in W.A.No.5098 of 2016 and connected cases and the Division Bench in terms of its judgment dated 28-04-2017 dismissed the writ appeals and upheld the order of the learned single Judge. Against the said order, the Bangalore Development Authority preferred a Special Leave Petition. Between the period of preliminary notification and the order passed by the Apex Court in the Special Leave Petition on 03-08-2018, lies the entire fulcrum of the subject *lis*.

3.4. The appellants on 26-11-2008, as noted hereinabove, applied and obtained conversion of lands that they owned from agriculture to non-agricultural purposes. On 26-06-2010 the lands that had become the subject matter of acquisition in terms of the preliminary notification come to be dropped. An endorsement is issued by the Special Land Acquisition Officer of the Bangalore Development Authority indicating that the lands of the appellants that stood acquired in the preliminary notification were dropped or de-notified from the formation of layout. This is communicated to the appellants on 28-03-2012. Long thereafter on 03-10-2018 comes the final notification including the lands of the appellants back into the umbrella of acquisition of lands for the purpose of formation of the layout. The appellants then preferred a writ petition challenging the final notification dated 03-10-2018. The learned single Judge of this Court dismissed the writ petition along with connected cases, on the score that the final notification was issued pursuant to the judgment of the Apex Court. The subject writ appeals were preferred challenging the said order of the learned single Judge.

3.5. The writ appeals were dismissed as withdrawn on 03-08-2023 with liberty to approach the Apex Court. *Status quo* of the property was also granted. The appellants then preferred Special Leave Petition Nos. 19351-19352 of 2023. The Apex Court in terms of its order dated 22-01-2024 remitted the matter back to this Special Bench to hear the legality and correctness of the order passed by the learned single Judge afresh, even considering the benefit of de-notification, dropping, deletion and to pass appropriate orders in accordance with law. It is, therefore, the matter is placed before us to be heard afresh.

4. Heard Sri Ashok Haranahalli, learned senior counsel appearing for the appellants, Smt. Anukanksha Kalkeri, learned High Court Government Pleader appearing for respondent No.1 and Sri Vikram Huilgol, learned Additional Advocate General along with Sri Shivaprasad M Shantanagoudar for respondent No.2.

5. Learned senior counsel Sri Ashok Haranahalli appearing for the appellants would vehemently contend that the Special Land Acquisition Officer of the Bangalore Development Authority in the

year 2010 itself issued an endorsement that the lands of the appellants were not required for acquisition. By then, the appellants had converted the lands from agriculture to educational purposes. Eight years thereafter when developmental activities had taken place in the lands, the final notification springs and, therefore, the final notification was challenged. In the light of the Apex Court now remitting the matter back to the hands of this Court, this court should consider the matter afresh, more so in the light of Apex Court observing that this Court should consider the effect of dropping, deletion and de-notification of lands and then pass necessary orders. He would seek to place reliance upon the judgment rendered by different combination of the special Bench in Writ Appeal No.1412 of 2021 which sets aside the acquisition insofar as those lands are concerned. The learned counsel would submit that the issue in the *lis* is akin to what is decided therein.

6. Per contra, the learned counsel Sri Shivaprasad M. Shanthangoudar representing the respondent/Bangalore Development Authority would vehemently refute the submission in contending that the conversion no doubt was effected prior to

issuance of final notification. The Apex Court was clear thereafter that the lands that are deleted all must be acquired. The exemption given was only with regard to constructions that have come up in the property due to 10 years gap between the preliminary and final notifications. The petitioners have not gone before the Committee also, for the Committee to decide whether there were constructions or otherwise. He would submit that no indulgence must be shown by this Bench as the acquisition is complete by the orders of the Apex Court. He would seek dismissal of the appeals.

7. We have given our anxious consideration to the submissions made by the respective learned counsel and have perused the material on record.

8. The afore-narrated facts are a matter of record. However, they would require a slight iteration. The appellants coming in to possession of the schedule property through a family partition is what is averred in the petition. It would suffice if the story would commence from the date of issuance of preliminary notification by

the BDA. The preliminary notification comes to be issued on 30-12-2008 seeking to acquire several thousands of acres of land for the purpose of Dr. K. Shivaram Karanth Layout. Objections were called by the BDA to the preliminary notification so issued on 30-12-2008. It appears that the appellants file their objections to the preliminary notification. The objections are received by the BDA. The BDA then undertakes an enquiry as obtaining under Section 17 of the Act. Section 17 of the Act reads as follows:

"17. Procedure on completion of scheme.—(1) When a development scheme has been prepared, the Authority shall draw up a notification stating the fact of a scheme having been made and the limits of the area comprised therein, and naming a place where particulars of the scheme, a map of the area comprised therein, a statement specifying the land which is proposed to be acquired and of the land in regard to which a betterment tax may be levied may be seen at all reasonable hours.

(2) A copy of the said notification shall be sent to the Corporation which shall, within thirty days from the date of receipt thereof, forward to the Authority for transmission to the Government as hereinafter provided, any representation which the Corporation may think fit to make with regard to the scheme.

(3) The Authority shall also cause a copy of the said notification to be published in the official Gazette and affixed in some conspicuous part of its own office, the Deputy Commissioner's Office, the office of the Corporation and in such other places as the Authority may consider necessary.

(4) If no representation is received from the Corporation within the time specified in sub-section (2), the concurrence of the Corporation to the scheme shall be deemed to have been given.

(5) During the thirty days next following the day on which such notification is published in the official Gazette the Authority shall serve a notice on every person whose name appears in the assessment list of the local authority or in the land revenue register as being primarily liable to pay the property tax or land revenue assessment on any building or land which is proposed to be acquired in executing the scheme or in regard to which the Authority proposes to recover betterment tax requiring such person to show cause within thirty days from the date of the receipt of the notice why such acquisition of the building or land and the recovery of betterment tax should not be made.

(6) The notice shall be signed by or by the order of the Commissioner and shall be served,—

- (a) by personal delivery or if such person is absent or cannot be found, on his agent, or if no agent can be found, then by leaving the same on the land or the building; or
- (b) by leaving the same at the usual or last known place of abode or business of such person; or
- (b) by registered post addressed to the usual or last known place of abode or business of such person."

Section 17 deals with procedure for completion of the scheme. Sub-section (5) is what forms the fulcrum of the *lis*. Sub-section (5) empowers an inquiry to be conducted by the Special Land Acquisition Officer who is appointed to execute the acquisition in the preliminary notification. Accordingly, the Special Land Acquisition Officer conducts an enquiry under Section 17(5), draws

up proceedings and recommends dropping of the land of the appellants from acquisition. The proceedings and the order dated 28-03-2012 read as follows:

“ತಿಳುವಳಿಕೆ ಪತ್ರ

ವಿಷಯ: ಬೆಂಗಳೂರು ಉತ್ತರ ತಾಲ್ಲೂಕು, ಹೆಸರುಘಟ್ಟ ಹೋಬಳಿ, ಬ್ಯಾಲಕೆರೆ ಗ್ರಾಮದ ಸರ್ವೆ ನಂ 24 ರ 1 ಎಕರೆ 23 ಗುಂಟೆ, ಸರ್ವೆ ನಂ. 25/1 ರ 2 ಎಕರೆ 11 ಗುಂಟೆ, ಸರ್ವೆ ನಂ. 25/2 ರ 2-00 ಎಕರೆ, ಸರ್ವೆ ನಂ. 29/1 ರ 0-33 ಗುಂಟೆ, ಸರ್ವೆ ನಂ. 29/2 ರ 3 ಎಕರೆ 02 ಗುಂಟೆ, ಸರ್ವೆ ನಂ. 29/4 ರ 2 ಎಕರೆ 22 ಗುಂಟೆ, ಸರ್ವೆ ನಂ. 30/1 ರ 0-27 ಗುಂಟೆ, ಸರ್ವೆ ನಂ. 30/3 ರ 0-25 ಗುಂಟೆ, ಸರ್ವೆ. ನಂ. 30/4 ರ 0-31 ಗುಂಟೆ ಜಮೀನುಗಳಿಗೆ ದಿನಾಂಕ 14/07/2010 ರಂದು ನೀಡಿರುವ ಹಿಂಬರಹವನ್ನು ಹಿಂಪಡೆಯುವ ಬಗ್ಗೆ.

ಉಲ್ಲೇಖ: 1) ತಮ್‌ಮ ಪತ್ರದ ದಿನಾಂಕ: 02/07/2010.

2) ಸರ್ಕಾರದ ಪತ್ರದ ಸಂಖ್ಯೆ: ನಅಇ/400/ಬೆಂಭೂಸ್ವಾ/2010 ದಿನಾಂಕ 26/06/2010

3) ಪ್ರಾಧಿಕಾರದ ಪತ್ರದ ಸಂಖ್ಯೆ: ಬೆಂಅಪ್ರಾ / ವಿಭೂಸ್ವಾಅ / ಪಿಆರ್ / ಎ5 / 55/10-11 ದಿನಾಂಕ 14/07/2010.

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ಮೇಲ್ಕಂಡ ವಿಷಯ ಹಾಗೂ ಉಲ್ಲೇಖಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ, ಉಲ್ಲೇಖದಲ್ಲಿರುವ ಸರ್ಕಾರದ ಪತ್ರದ ಸಂಖ್ಯೆ:ನಅಇ/400/ಬೆಂಭೂಸ್ವಾ/2010 ದಿನಾಂಕ:26/06/2010 ರ ಸರ್ಕಾರದ ಪತ್ರದಲ್ಲಿ ನೀಡಿದ ಅನುಮೋದನೆಯ ಹಿನ್ನೆಲೆಯಲ್ಲಿ ಉಲ್ಲೇಖ(3) ರ ಪತ್ರದನ್ವಯ ಹಿಂಬರಹವನ್ನು ನೀಡಲಾಗಿರುವ ವಿಷಯವು ಗಮನಕ್ಕೆ ಬಂದಿರುತ್ತದೆ. ಉಲ್ಲೇಖ(2) ರ ಸರ್ಕಾರದ ಪತ್ರದ ಬಗ್ಗೆ ಜರುಗಿಸಬೇಕಾದ ಕ್ರಮದ ವಿಚಾರವಾಗಿ ಪ್ರಾಧಿಕಾರದಿಂದ ಈವರೆಗೂ ಅಂತಿಮ ನಿರ್ಧಾರ ಆಗಿರುವುದಿಲ್ಲ. ಪ್ರಾಧಿಕಾರದಿಂದ ಅಂತಿಮ ನಿರ್ಧಾರವಾಗದೇ ನೀಡಿದ ಹಿಂಬರಹಗಳಿಗೆ ಯಾವುದೇ ಸಿಂಧುತ್ವ ಇರುವುದಿಲ್ಲ. ಡಾ||ಕೆ.ಶಿವರಾಮ ಕಾರಂತ ಬಡಾವಣೆಗೆ ಪ್ರಾರಂಭಿಕ ಅಧಿಸೂಚನೆಯನ್ನು ಮಾತ್ರ ಹೊರಡಿಸಲಾಗಿದ್ದು, ಅಂತಿಮ ಅಧಿಸೂಚನೆಯಾಗಿರುವುದಿಲ್ಲ. ಪ್ರಾಧಿಕಾರದಿಂದ ಅಂತಿಮ ಅಧಿಸೂಚನೆಗೆ ಪ್ರಸ್ತಾವನೆ ಸಿದ್ಧಪಡಿಸುವ ಪ್ರಕ್ರಿಯೆ ಜಾರಿಯಲ್ಲಿರುತ್ತದೆ. ಅಂತಿಮ ಅಧಿಸೂಚನೆ ಕರಡು ಪ್ರಸ್ತಾವನೆಯು ಇನ್ನೂ ಸಿದ್ಧವಾಗಿರುವುದಿಲ್ಲ. ಸರ್ಕಾರದಿಂದ ಜಮೀನುಗಳನ್ನು ಕೈಬಿಡುವಂತೆ ಅನುಮೋದನೆ ನೀಡಿದಂತಹ ಪತ್ರಗಳಲ್ಲಿನ ಜಮೀನುಗಳ ವಾಸ್ತವಾಂಶದ

ಬಗ್ಗೆ ಪರಿಶೀಲನೆಯು ಪ್ರಗತಿಯಲ್ಲಿದ್ದು, ಪರಿಶೀಲನಾ ವರದಿ ಬಂದ ನಂತರ ಅದನ್ನು ಪ್ರಾಧಿಕಾರದ ಸಭೆಗೆ ಮಂಡಿಸಿ ಪ್ರಾಧಿಕಾರವು ತೆಗೆದುಕೊಳ್ಳಬಹುದಾದ ನಿರ್ಣಯದಂತೆ ಕ್ರಮ ಜರುಗಿಸಬೇಕಾಗಿರುವುದರಿಂದ ಉಲ್ಲೇಖ(3) ರಲ್ಲಿ ನೀಡಿದಂತಹ ಹಿಂಬರಹವನ್ನು ಹಿಂಪಡೆಯಲಾಗಿರುತ್ತದೆ.

(ಕರಡು ಪತ್ರವು ಮಾನ್ಯ ಆಯುಕ್ತರವರಿಂದ
ಅನುಮೋದಿಸಲ್ಪಟ್ಟಿದೆ)

ಸಹಿ/-

ಉಪ ಆಯುಕ್ತರು(ಭೂಸ್ವಾ)

ಬೆಂ.ಅ.ಪ್ರಾ, ಬೆಂಗಳೂರು.

ಇವರಿಗೆ,

ಶ್ರೀ ವಿ. ರಘು ಬಿನ್ ಲೇಟ್ ವೆಂಕಟಸ್ವಾಮಪ್ಪ
ಎಂ.ಎಸ್.ಪಾಳ್ಯ ಫಾರಂ ಹೌಸ್,
ಯಲಹಂಕ ಹೋಬಳಿ,
ಬೆಂಗಳೂರು ಉತ್ತರ ತಾಲ್ಲೂಕು.”

The Deputy Commissioner (Special Land Acquisition) of the Bangalore Development Authority notices all the survey numbers of lands owned by the appellants, refers to the objections of the appellant dated 02-07-2010 and a communication dated 14-07-2010 from the hands of the Bangalore Development Authority to the appellants and endorses the communication of the Special Land Acquisition Officer dropping the lands of the appellants from acquisition. In the interregnum the appellants, as observed hereinabove, had applied and secured conversion of lands in their possession. The conversion of lands from agriculture to non-

agricultural purposes and the lands that still remain unconverted in the schedule property is as follows:

"Educational Conversions	Lands not converted
• Land bearing Sy.No.24 measuring 1 acre 23 guntas. • Land bearing Sy.No.29/2 measuring 2 acres 38 guntas. • Land bearing Sy.No.30/4 measuring 31 guntas. • Land bearing Sy.No.30/3 measuring 25 guntas • Land bearing Sy.No.29/4 measuring 2 acres 18 guntas.	• Land measuring Sy.No. 29/1 measuring 23 guntas. • Land bearing Sy.No.30/1 measuring 27 guntas • Land bearing Sy.No.25/1 measuring 2 acres 2 & ½ guntas."

Therefore, on consideration of the objections of the appellants and the communication/order/notice dated 28-03-2012 it cemented rights of the appellants to hold the lands.

9. During all these proceedings ,the preliminary notification had been questioned before this Court in several writ petitions. A learned single Judge in Writ Petition No.55863-55865 of 2014 allows the writ petitions by setting aside the preliminary notification seeking acquisition. The order passed by the learned single Judge reads as follows:

"... .."

4. The respondents have filed the objection statement. In the objection statement it is contended that since there were large extents of lands which had been notified, the respondents require sometime to go through the process and thereafter complete the acquisition proceedings.

5. In that background, I do not propose to refer to the contentions in detail for the reason that in respect of the very same notification, this Court had made a detailed consideration in W.P.No.9640 of 2014 and connected petitions on 26-11-2014. During the said consideration, this Court had taken note of contention put forth on behalf of the respondents with regard to the delay that has occasioned in the process as there were certain deletions at the initial stages and when subsequent deletions were made by the Land Acquisition Officer, the Government has initiated enquiries in that regard and therefore there was delay. This Court having not accepted such contention and further relying on a decision of this Court had arrived at the conclusion that the delay as explained by the respondents is not acceptable and therefore, the notification insofar as the lands of the petitioners therein was held as lapsed. Since in the instant case also the position is not different from the said cases, a similar consideration requires to be made.

6. Accordingly, the notification dated 30-12-2008 assailed in these petitions is held as having lapsed as against the lands of the petitioners referred to in these petitions which were included in the said notification.

In terms of the above, these petitions are allowed to that extent.

In view of the disposal of the main petition, I.A.No.2/2014 for dispensation also stands disposed of."

A writ appeal comes to be preferred by the BDA assailing the order passed by the learned single Judge *supra*. The writ appeal comes to be dismissed by the following order:

"....

2. As prayed for by Mr. G.S. Kannur, learned Advocate appearing for the appellants, the appeal is taken up for preliminary hearing.

3. The writ petitioner assailed a notification dated December 30, 2008, proposing to acquire the land for formation of a layout. The preliminary notification was issued on December 30, 2008. Thereafter, neither the final notification was issued nor possession was taken. Consequently, the Hon'ble single Judge held that as within the reasonable time, no further action was taken, the proposal for acquisition got lapsed.

4. We do not find any merit in the appeal

5. The application for condonation of delay in filing the appeal is dismissed. Consequently, the appeal is, also dismissed."

BDA challenges both the orders in several cases before the Apex Court. The Apex Court in **BANGALORE DEVELOPMENT AUTHORITY v. STATE OF KARNATAKA**¹, sets aside both the orders of this Court and issues several directions holding:

"....

15. First, we take up the question as to whether the High Court was legally justified on merits in quashing the preliminary

¹ (2018) 9 SCC 122

notification issued under Section 17. The Constitution Bench of this Court in *Offshore Holdings (P) Ltd. v. BDA*, (2011) 3 SCC 139: (2011) 1 SCC (Civ) 662] has decided the question affirmatively. The BDA has issued preliminary notification for acquisition of the lands. Non-finalisation of the acquisition proceedings resulted in the filing of the writ petitions before the High Court of Karnataka by the owners in the year 1987. Certain lands were denotified and the permission which was granted earlier was withdrawn. The denotification of the land was also withdrawn. It was urged that the time-frame which was prescribed under Sections 6 and 11-A of the LA Act would form an integral part of the BDA Act. This Court considered the scheme under the BDA Act and has observed thus: (SCC pp. 158-59, 162, 164-66 & 192, paras 33, 35, 50, 55, 123, 124 & 125)

"33. The provisions of the Land Acquisition Act, which provide for time-frame for compliance and the consequences of default thereof, are not applicable to acquisition under the BDA Act. They are Sections 6 and 11-A of the Land Acquisition Act. As per Section 11-A, if the award is not made within a period of two years from the date of declaration under Section 6, the acquisition proceedings will lapse. Similarly, where declaration under Section 6 of this Act is not issued within three years from the date of publication of notification under Section 4 of the Land Acquisition Act [such notification being issued after the commencement of the Land Acquisition (Amendment and Validation) Ordinance, 1967 but before the commencement of Central Act 68 of 1984] or within one year where Section 4 notification was published subsequent to the passing of Central Act 68 of 1984, no such declaration under Section 6 of the Land Acquisition Act can be issued in any of these cases.

35. Be that as it may, it is clear that the BDA Act is a self-contained code which provides for all the situations that may arise in planned development of an area including acquisition of land for that purpose. The scheme of the Act does not admit any necessity for reading the provisions of Sections 6 and 11-A of the Land Acquisition Act, as part and parcel of the BDA Act for attainment of its object. The primary object of the State Act is to carry out planned development and

acquisition is a mere incident of such planned development. The provisions of the Land Acquisition Act, where the land is to be acquired for a specific public purpose and acquisition is the sum and substance of that Act, all matters in relation to the acquisition of land will be regulated by the provisions of that Act. The State Act has provided its own scheme and provisions for acquisition of land.

50. Applying the above principle to the facts of the case in hand, it will be clear that the provisions relating to acquisition like passing of an award, payment of compensation and the legal remedies available under the Central Act would have to be applied to the acquisitions under the State Act but the bar contained in Sections 6 and 11-A of the Central Act cannot be made an integral part of the State Act as the State Act itself has provided specific time-frames under its various provisions as well as consequences of default thereto. The scheme, thus, does not admit such incorporation.

55. The principle stated in *Munithimmaiah case* [*Munithimmaiah v. State of Karnataka*, (2002) 4 SCC 326] that the BDA Act is a self-contained code, was referred with approval by a three-Judge Bench of this Court in *Bondu Ramaswamy* [*Bondu Ramaswamy v. BDA*, (2010) 7 SCC 129 : (2010) 3 SCC (Civ) 1] . The Court, inter alia, specifically discussed and answered the questions whether the provisions of Section 6 of the Land Acquisition Act will apply to the acquisition under the BDA Act and if the final declaration under Section 19(1) is not issued within one year of the publication of the notification under Section 17(1) of the BDA Act, whether such final declaration will be invalid and held as under: (*Bondu Ramaswamy case* [*Bondu Ramaswamy v. BDA*, (2010) 7 SCC 129 : (2010) 3 SCC (Civ) 1] , SCC p. 170, paras 79-81)

'79. This question arises from the contention raised by one of the appellants that the provisions of Section 6 of the Land Acquisition Act, 1894 ("the LA Act", for short) will apply to the acquisitions under the BDA Act and consequently if the final declaration under Section 19(1) is not issued within one year from the date of publication of the notification under Sections 17(1) and (3) of the BDA Act, such final declaration will be invalid. The appellants' submissions are as under: the

notification under Sections 17(1) and (3) of the Act was issued and gazetted on 3-2-2003 and the declaration under Section 19(1) was issued and published on 23-2-2004. Section 36 of the Act provides that the acquisition of land under the BDA Act within or outside the Bangalore Metropolitan Area, shall be regulated by the provisions of the LA Act, so far as they are applicable. Section 6 of the LA Act requires that no declaration shall be made, in respect of any land covered by a notification under Section 4 of the LA Act, after the expiry of one year from the date of the publication of such notification under Section 4 of the LA Act. As the provisions of the LA Act have been made applicable to acquisitions under the BDA Act, it is necessary that the declaration under Section 19(1) of the BDA Act (which is equivalent to the final declaration under Section 6 of the LA Act) should also be made before the expiry of one year from the date of publication of notification under Sections 17(1) and (3) of the BDA Act [which is equivalent to Section 4(1) of the LA Act].

80. The BDA Act contains provisions relating to acquisition of properties, up to the stage of publication of final declaration. The BDA Act does not contain the subsequent provisions relating to completion of the acquisition, that is, issue of notices, enquiry and award, vesting of land, payment of compensation, principles relating to determination of compensation, etc. Section 36 of the BDA Act does not make the LA Act applicable in its entirety, but states that the acquisition under the BDA Act, shall be regulated by the provisions, so far as they are applicable, of the LA Act. Therefore, it follows that where there are already provisions in the BDA Act regulating certain aspects or stages of acquisition or the proceedings relating thereto, the corresponding provisions of the LA Act will not apply to the acquisitions under the BDA Act. Only those provisions of the LA Act, relating to the stages of acquisition, for which there is no provision in the BDA Act, are applied to the acquisitions under the BDA Act.

81. The BDA Act contains specific provisions relating to preliminary notification and final declaration. In fact the procedure up to final declaration under the BDA Act is different from the procedure under the LA Act relating to acquisition proceedings up to the stage of final notification. Therefore, having regard to the

scheme for acquisition under Sections 15 to 19 of the BDA Act and the limited application of the LA Act in terms of Section 36 of the BDA Act, the provisions of Sections 4 to 6 of the LA Act will not apply to the acquisitions under the BDA Act. If Section 6 of the LA Act is not made applicable, the question of amendment to Section 6 of the LA Act providing a time-limit for issue of final declaration, will also not apply.'

We may notice that, in the above case, the Court declined to examine whether the provisions of Section 11-A of the Central Act would apply to the acquisition under the BDA Act but categorically stated that Sections 4 and 6 of the Central Act were inapplicable to the acquisition under the BDA Act.

123. Accepting the argument of the appellant would certainly frustrate the very object of the State law, particularly when both the enactments can peacefully operate together. To us, there appears to be no direct conflict between the provisions of the Land Acquisition Act and the BDA Act. *The BDA Act does not admit reading of provisions of Section 11-A of the Land Acquisition Act into its scheme as it is bound to debilitate the very object of the State law.* Parliament has not enacted any law with regard to development the competence of which, in fact, exclusively falls in the domain of the State Legislature with reference to Schedule VII List II Entries 5 and 18.

124. Both these laws cover different fields of legislation and do not relate to the same List, leave apart the question of relating to the same entry. *Acquisition being merely an incident of planned development, the Court will have to ignore it even if there was some encroachment or overlapping.* The BDA Act does not provide any provision in regard to compensation and manner of acquisition for which it refers to the provisions of the Land Acquisition Act. There are no provisions in the BDA Act which lay down detailed mechanism for the acquisition of property, i.e. they are not covering the same field and, thus, there is no apparent irreconcilable conflict. The BDA Act provides a specific period during which the development under a scheme has to be implemented and if it is not so done, the consequences thereof would follow in terms of Section 27 of the BDA Act. None of the provisions of the

Land Acquisition Act deals with implementation of schemes. We have already answered that the acquisition under the Land Acquisition Act cannot, in law, lapse if vesting has taken place. Therefore, the question of applying the provisions of Section 11-A of the Land Acquisition Act to the BDA Act does not arise. Section 27 of the BDA Act takes care of even the consequences of default, including the fate of acquisition, where vesting has not taken place under Section 27(3). Thus, there are no provisions under the two Acts which operate in the same field and have a direct irreconcilable conflict.

125. Having said so, now we proceed to record our answer to the question referred to the larger Bench as follows:

For the reasons stated in this judgment, we hold that the BDA Act is a self-contained code. Further, we hold that provisions introduced in the Land Acquisition Act, 1894 by Central Act 68 of 1984, limited to the extent of acquisition of land, payment of compensation and recourse to legal remedies provided under the said Act, can be read into an acquisition controlled by the provisions of the BDA Act but with a specific exception that the provisions of the Land Acquisition Act insofar as they provide different time-frames and consequences of default thereof, including lapsing of acquisition proceedings, cannot be read into the BDA Act. Section 11-A of the Land Acquisition Act being one of such provisions cannot be applied to the acquisitions under the provisions of the BDA Act.”

(emphasis supplied)

16. This Court has emphasised that the primary object of the BDA Act is to carry out planned development. The State Act has provided its own scheme. The time constraints of the land acquisition are not applicable to the BDA Act. Making applicable the time-frame of Section 11-A of the LA Act would debilitate the very object of the BDA Act. It is apparent that the decision of the Single Judge as well as the Division Bench is directly juxtaposed to the decision of the five-Judge Bench of this Court in *Offshore Holdings [Offshore Holdings (P) Ltd. v. BDA]*, (2011) 3 SCC 139: (2011) 1 SCC (Civ) 662] in which precisely the question involved in the instant cases had been dealt with. By indirect method by making applicable the time period of two

years of Section 11-A of the LA Act mandate of BDA Act has been violated. However, it is shocking that various decisions have been taken into consideration particularly by the Single Judge, however, whereas the decision that has set the controversy at rest, has not even been noticed even by the Single Judge or by the Division Bench. If this is the fate of the law of the land laid down by this Court that too the decision by the Constitution Bench, so much can be said but to exercise restraint is the best use of the power. Least said is better, the way in which the justice has been dealt with and the planned development of Bangalore City has been left at the mercy of unscrupulous persons of the Government and the BDA.

17. It is apparent from the fact that the Single Judge has relied upon the decision in *H.N. Shivanna* [*H.N. Shivanna v. State of Karnataka*, 2012 SCC OnLine Kar 8956: (2013) 4 KCCR 2793] in which it was observed by the Division Bench that scheme was to be completed in 2 years otherwise it would lapse. It was precisely the question of time period which was dwelt upon and what was ultimately decided by this Court in *Offshore Holdings* [*Offshore Holdings (P) Ltd. v. BDA*, (2011) 3 SCC 139: (2011) 1 SCC (Civ) 662] has been blatantly violated by the Single Judge and that too in flagrant violation of the provisions and intendment of the Act.

18. It is also apparent from the facts and circumstances of the case that there were a large number of irregularities in the course of an inquiry under Section 18(1) of the BDA Act. The Government had nothing to do with respect to the release of the land at this stage, as the stage of final notification had not reached but still the landowners in connivance with the influential persons, political or otherwise, managed the directions in respect of 251 acres of the land and the Special Land Acquisition Collector also considered exclusion of 498 acres of the land against which the question was raised in the Assembly and eyebrows were raised in public domain. Two inquiries were ordered on 24-11-2012 and 19-1-2013 by the State Government and based upon that inquiry, it was ordered and a public notice was issued on 3-5-2014 that the BDA will consider the entire matter afresh.

19. In the aforesaid backdrop of the facts, the writ petitions came to be filed, it would not be termed to be the bona

fide litigation, but was initiated having failed in attempt to get the land illegally excluded at the hands of the Special Land Acquisition Collector and the State Government and after the inquiries held in the matter and the notice was issued to start the proceedings afresh. At this stage, the writ petitions were filed. In the aforesaid circumstances, it was not at all open to the High Court to quash the preliminary notification issued under Section 17, as the landowners, the State Government and BDA were responsible to create a mess in the way of planned development of Bangalore City.

20. The scheme which was framed was so much benevolent scheme that 40% of the 55% of the land reserved for the residential purpose was to be given to the landowners at their choice and they were also given the choice to obtain the compensation, if they so desired, under the provisions of the LA Act. Thus, it was such a scheme that there was no scope for any exclusion of the land in the ultimate final notification.

21. It is apparent from the circumstances that the matter cannot be left at the mercy of unscrupulous authority of the BDA, the State Government or in the political hands. Considering the proper development and planned development of Bangalore City, let the Government issue a final notification with respect to the land which has been notified in the initial notification and there is no question of leaving out of the land in the instant case as option has been given to landowners to claim the land or to claim the compensation under the relevant LA Act which may be applicable in the case.

22. It was contended on behalf of the landowners that certain developments have taken place after the orders were passed regarding exclusion of the land and when Section 27 provides a limitation of five years after final notification, in case development was not undertaken within five years, even the final scheme would lapse. Thus, the principle enunciated in Section 27 should be followed by this Court with respect to the lapse of preliminary notification as well. We find that there is a vast difference in the provisions and action to be taken pursuant to the preliminary notification and the final notification under Section 19. In the instant case, the facts indicated that it was in the interest of the public, landowners, BDA and the State Government. The scheme had prior approval of the State

Government however at the cost of public interest yet another scheme was sought to be frustrated by powerful unforeseen hands and the issuance of final notification had been delayed. Three inquiries were ordered, two by the State Government and one by the BDA as the release of the land was being proposed in an illegal manner. Hue and cry has been raised about their illegalities in the Assembly as well as in the public. Thus, for the delay, owners cannot escape the liability, they cannot take the advantage of their own wrong having acted in collusion with the authorities. Thus, we are of the considered opinion that in the facts of the case the time consumed would not adversely affect the ultimate development of Bangalore City.

23. The authorities are supposed to carry out the statutory mandate and cannot be permitted to act against the public interest and planned development of Bangalore City which was envisaged as a statutory mandate under the BDA Act. The State Government, as well as the authorities under the BDA Act, are supposed to cater to the need of the planned development which is a mandate enjoined upon them and also binding on them. They have to necessarily carry it forward and no dereliction of duty can be an escape route so as to avoid fulfilment of the obligation enjoined upon them. The courts are not powerless to frown upon such an action and proper development cannot be deterred by continuing inaction. As the proper development of such metropolitan is of immense importance, the public purpose for which the primary notification was issued was in order to provide civic amenities like laying down roads, etc. which cannot be left at the whim or mercy of the authorities concerned. They were bound to act in furtherance thereof. There was a clear embargo placed while issuing the notification not to create any charge, mortgage, assign, issue or revise any improvement and after inquiry, it was clear that the notice had been issued in May 2014, thus, no development could have been made legally. Notification dated 3-5-2014 was issued that re-inquiry was necessary in the matter. The development made, if any, would be at the peril of the owners and it has to give way to larger welfare schemes and the individual interest and cannot come in the way of the larger public interest. The acquisition was for the proper and planned development that was an absolute necessity for the city of Bangalore.

24. In the circumstances, we have no hesitation in condoning the delay. Though, it is apparent that the authorities had come with certain delay, in certain matters and the writ appeals were also filed belatedly with the delay in the High Court, however, considering the provisions of the scheme and the method and manner, wrong has been committed, it has compelled us not only to condone the delay but also to act in the matter so as to preserve the sanctity of the legal process and decision of this Court in *Offshore Holdings [Offshore Holdings (P) Ltd. v. BDA, (2011) 3 SCC 139: (2011) 1 SCC (Civ) 662]*.

25. We, therefore, direct the State Government as well as the BDA to proceed further to issue final notification without any further delay in the light of the observations made in the order. The impugned orders passed by the Single Judge and the Division Bench are hereby quashed and set aside. The scheme and notification under Section 17 of the BDA Act are hereby upheld with the aforesaid directions.

26. As noticed above, the Land Acquisition Officer proposed exclusion of 251 acres of land from acquisition on being asked by the Government after the preliminary notification was issued. The Land Acquisition Officer, has considered another 498 acres of land to be excluded from being acquired. In connection to this, several questions were raised in the Karnataka Legislative Assembly, as a result of which two inquiries were ordered by the State Government i.e. on 24-11-2012 and 19-1-2013. However, result of the inquiry is not forthcoming. Further, it appears that the exclusion of the lands from acquisition was proposed in connivance with influential persons; political or otherwise. We are of the view that the BDA and the State Government have to proceed with the acquisition of these lands. We are also of the view that it is just and proper to hold an inquiry for fixing the responsibility on the officials of the BDA and the State Government for trying to exclude these lands from acquisition.

27. Therefore, we appoint Hon'ble Mr Justice K.N. Keshavanarayana, former Judge of the Karnataka High Court as the inquiry officer for fixing the responsibility on the officials of the BDA and the State Government who were responsible for the aforesaid. The Commissioner, BDA is hereby directed to

consult the inquiry officer and pay his remuneration. Further, we direct BDA to provide appropriate secretarial assistance and logistical support to the inquiry officer for holding the inquiry. In addition, we authorise the inquiry officer to appoint requisite staff on temporary basis to assist him in the inquiry and to fix their salaries. Further, the BDA is directed to pay their salaries. The State Government and the BDA are directed to produce the files/documents in relation to the aforesaid lands before the inquiry officer within a period of four weeks from today. We request the inquiry officer to submit his report to this Court as expeditiously as possible.

28. The State Government and the BDA are further directed to proceed with the acquisition of the aforementioned lands without excluding land from acquisition and submit a report to this Court the steps taken by them in this regard within a period of three months from today."

The Apex Court, on the reasons so rendered, directs the State Government and the BDA to proceed with the acquisition for the formation of layout without excluding any land from acquisition and submit a report to the Apex Court the steps taken towards the said acquisition. It directed completion within 3 months.

10. Pursuant to the directions of the Apex Court, the BDA issues final notification. In the final notification the axe falls on the land of the appellants, as the Apex Court had directed that all the lands that had been given up be acquired, as the lands were given up illegally. Then comes a few miscellaneous applications in the disposed of case before the Apex Court. The Apex Court on the

miscellaneous applications, to consider several nuances of the lands to be dropped from acquisition appointed a Committee. The order directing constitution of the Committee reads as follows:

"1. Heard learned counsel for the parties and perused affidavit dated 26-11-2020, filed by the Commissioner, Bangalore Development Authority.

2. During the course of hearing, it is pointed out that after quashing of the preliminary notification by the High Court and before setting aside of the said order by this court, several constructions have been put up either by the land owners or purchasers of the sites from the land owners. It is submitted that these constructions are mainly dwelling houses. In this factual background, we are of the considered opinion that some protection against demolition of dwelling houses may be justified. Further the layout is meant for residential sites and this object of formation of layout would not be frustrated by saving lawfully constructed dwelling houses belonging to poor and middle income groups.

3. Judgment dated 03-08-2018, inter alia, observes that 45% of the land covered under the scheme was to be utilized for the civic amenities like play grounds, roads etc. and residential sites would be formed by utilizing remaining 55% of the land covered under the scheme. It is also clear that out of the said 55% of developed residential area, 40% of 55% will be offered as compensation to the land owners as specified in the scheme and remaining 60% of 55% will be the share of the Bangalore Development Authority (BDA). The land-owners would be given option to accept the developed eligible residential land or opt for compensation as per the Land Acquisition Act, 1894 (for short 'the LA Act').

4. Needless to state that the acquisition of the land under the BDA Act is regulated by the provisions of the LA Act so far as they are applicable. (See: Section 38 of the BDA Act). The borrowed provisions of LA act, become an integral part of the BDA Act and are totally unaffected by the repeal of the LA Act.

In other words, the provisions of the LA Act are incorporated into the BDA Act so far as they are applicable. Of course, the bar contained in Sections 6 and 11-A of the LA Act, are not applicable to the BDA Act. We have discussed this aspect of the matter in our main judgment dated 3-08-2018. It is also clear that the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation & Resettlement Act, 2013 are not applicable for the acquisition made under the BDA Act. Final notification has also been issued after the pronouncement of judgment by this court in Civil Appeal No(s). 7661-7663 of 2018 dated 3-08-2018. We direct the BDA to proceed with the acquisition of the land as proposed in the notification.

5. if the land-owner who has put up the construction opts for land by way of a developed plot in lieu of compensation, the constructed portion would be adjusted in the land that would be allotted in his favour. It is also clarified that the persons who have put up construction/ dwelling house are not entitled for compensation in respect of the constructed portion of the land. If the incentive scheme as per Bangalore Development Authority (Incentive Scheme for Voluntary Surrender of Land) Rules, 1989, is applied, the constructed portion can also be adjusted towards incentive site for voluntary surrender of land. However, where a person has constructed a dwelling house or any other building and where the constructed portion is not adjusted for any reason, betterment charges could be levied on him under Section 20 of the BDA Act. BDA is directed to integrate the said constructions into the layout.

6. As stated above, the buildings constructed in the layout with valid sanction/permission from the competent authority/authority(ies) needs to be saved from demolition. Therefore, it is important to identify the lawful constructions made in the notified lands. For this purpose, we appoint a Committee comprising Hon'ble Mr. Justice A.V. Chandrashekhara, former Judge of the Karnataka High Court, as its Chairman, Mr. Jayakar Jerome, former Commissioner of the BDA and Mr. S.T. Ramesh, former Director General of Police as its Members. The Committee is required to look into each of the requests of the owners of the dwelling houses/buildings for its regularization. The Committee should also find out whether the said dwelling houses/buildings have been constructed in accordance with the

sanction/permission of the competent authorities. The constructions which have come up after the date of pronouncement of the judgment by this Court i.e., 3.08.2018, shall not be eligible for regularization. The Committee is permitted to devise its own mechanism/ procedure for holding the enquiry including issuing notices in the local newspapers in this regard. Final orders regarding dwelling houses/buildings which will be protected, would be passed after we receive the report of the Committee.

7. To ensure that in the interregnum and from now onwards no further constructions come up, the Commissioner, BDA, would undertake exercise for satellite imaging of the area in question for identifying and noting the constructions as they exist. The said exercise would be undertaken within a period of three days from the date of receipt of a copy of this order. This exercise would be repeated periodically every month and in case any new constructions are noticed, they would be brought to the notice of the Committee and action, including demolition etc. would be undertaken.

8. The Commissioner of the BDA is hereby directed to consult the Chairman and its Members of the Committee and accordingly fix and pay their remunerations. We direct the BDA to provide appropriate secretarial assistance, transport and other logistical support to the Chairman and the members of the Committee for holding an enquiry within two weeks from today. We authorize the Chairman of the Committee to appoint requisite staff, if needed, on a temporary basis to assist the Committee in conducting enquiry and fix their salaries which would be paid by the BDA. The BDA is also directed to provide enough office space in its headquarters for the smooth functioning of the Committee within two weeks. The Committee is also permitted to take assistance of any of the employees including surveyors from the BDA or of the State Government for the purpose of spot inspection, measurement and for its overall functioning.

9. We make it clear that there is no bar for the Chairman or the Members of the Committee to accept any other engagement/arbitration matters during the subsistence of the Committee.

10. The Committee is requested to submit its report before this court preferably within a period of six months from to-day.

11. It appears that certain writ petitions are pending before the Karnataka High Court challenging the final notification for acquisition of lands for the formation of Dr. Shivarama Karanth Layout. BDA is directed to furnish the list of pending cases in respect of the said layout to the Registrar General of the High Court within a week from today. We request the Registrar General to list them before the Court within two weeks. We request the high Court to dispose of the said cases on their merits expeditiously.

12. The State Government is directed to grant approval to the 60:40 scheme in respect of the layout in question, if necessary within two weeks from to-day. The State Government is also directed to depute additionally six Land Acquisition Officers to the BDA within two weeks from today.

13. BDA to file status report on or before 11.02.2021.

14. List these cases on 19-01-2021."

11. The appellants and others had challenged the final notification before this Court in a conglomeration of cases in which the writ petitions of the appellants herein were W.P.No.2285 of 2021 and 2295 of 2021. The learned single Judge by his order dated 29-11-2021 rejected all the writ petitions in the light of the direction of the Apex Court dated 03-08-2018. The order of the learned single Judge insofar as it is germane is as follows:

"....

26. The cumulative effect of various orders passed by the Apex Court referred to supra and a conjoint reading of the same will clearly indicate that while in the first instance, the Apex Court has specifically directed that the Final Notification is to be issued in respect of the entire extent of 3546 Acres 12 Guntas and no portion is to be excluded/dropped/deleted from the Final Notification, the only small category of cases which can be dealt with differently have been identified, recognized and categorized by the Apex Court itself in its subsequent orders. Under these circumstances, the scope of interference to the Final Notification by this Court is completely and totally circumscribed by the orders passed by the Apex Court and consequently, the words "on merits" cannot be relied upon by the petitioners or made basis by them to contend that despite the orders of apex Court it is still open for this court to reopen the acquisition or re-examine the impugned notifications; in the teeth of the orders of the Apex Court in respect of the entire subject lay-out and the scheme in relation to the entire extent of 3546 Acres 12 Guntas, such an endeavour/attempt by this Court will clearly tantamount to overstepping its jurisdiction and overreaching the orders of the Apex Court, which is continuously monitoring the progress, development and effective implementation and execution of the scheme by issuing necessary directions from time to time. I am therefore of the view that the said contentions of the petitioners cannot be accepted.

27. Insofar as the contention of some of the petitioners that they are not parties to the earlier round of litigation before the Apex court and that consequently any order passed by the Apex Court is not binding upon them is concerned, it is necessary to state that the order dated 03.08.2018 passed by the Apex Court in relation to the entire extent of 3546 Acres 12 Guntas would necessarily include and encompass all parties including non-parties notwithstanding some of the petitioners not being parties to the said decision; in view of specific directions issued by the Apex Court directing issuance of Final Notification in respect of the entire extent of 3546 Acres 12 Guntas, the Final Notification clearly applies to all persons including persons who are not parties before Apex Court also and consequently, even this contention of some of the petitioners cannot be accepted.

28. Insofar as the contention of some of the petitioners that they have purchased their respective properties prior to the order dated **03.08.2018** passed by the Apex Court and consequently, none of the orders of the Apex Court are binding upon them is concerned, it is necessary to state that the revival of the Preliminary Notification by the Apex Court by virtue of its order dated **03-08-2018** would relate back to the date of Preliminary Notification dated **30-12-2008**; as a consequence of upholding the Preliminary Notification which has been declared as legal, proper and valid from **30-12-2008** onwards, all subsequent transaction after 30-12-2008 would be the subject matter of acquisition proceedings and all transactions in respect of any portion of the subject lay-out would be subject to, circumscribed, limited, restricted and governed by the orders of the Apex Court and consequently, even this contention of the petitioners cannot be not accepted.

29. It is also necessary to state that restoration of the preliminary notification by Apex Court on **03-08-2018** in respect of the entire extent of 3546 Acres 12 Guntas would relate back to the date of the original preliminary notification dated **30-12-2008**; this relation back would have the effect of validating, confirming and affirming the preliminary notification with effect from **30-12-2008** onwards and not from any later date. Consequently, all acts, deeds and things as well as all transactions, documents, etc., which have been done or come into existence after **30-12-2008** onwards, by or at the instance of any person in respect of any portion of the notified land measuring 3546 Acres 12 Guntas would get subsumed by the judgment of the Apex Court and become subject to the outcome of the acquisition proceedings pursuant to the preliminary notification; in other words, none of the events, transactions etc., that have occurred after **30.12.2008** will have any bearing or impact on the legality or validity of the final notification and the same cannot be relied upon by the petitioners nor made the basis to contend that the final notification in respect of any portion of land is liable to be quashed.

30. Insofar as all other contentions urged by the petitioners with regard to the legality and validity of Final Notification and the various decisions relied upon by the petitioners and respondents are concerned, in view of my findings above that in the backdrop of the orders passed by

Apex Court, the scope of interference in the present petitions by this court is extremely restricted and limited, there is no merit in any of the contentions urged by the petitioners and the same are liable to be rejected; so also, in the peculiar/special fact situation obtaining in the cases on hand and in the teeth of the orders passed by the Apex Court in relation to the subject layout, none of the decisions relied upon by the petitioners can be applied to the facts of the instant case and the contentions of the learned counsel for the petitioners in this regard also is liable to be rejected.

31. In the result, I pass the following:

ORDER

- (i) All the petitions are hereby dismissed.
- (ii) Consequently, interim applications, if any, do not survive for consideration and the same are accordingly disposed of.
- (iii) Office objections, if any, are accordingly overruled.
- (iv) The interim orders that were in force in these petitions till to-day are hereby extended up to **20-12-2021**, so as to enable the petitioners to challenge this order."

The Division Bench permitted withdrawal of the writ appeals filed against the order of the learned single Judge, the subject writ appeals, by the following order:

"ORDER

1. I.A.No.1/2022 is filed in both the writ appeals seeking condonation of delay in filing. For the reasons stated in the affidavits accompanying the applications, the delay in filing the writ appeals is condoned. Accordingly, I.A.No.1/2022 is allowed in both the writ appeals.

2. Sri Udaya Holla, the learned Senior Counsel appearing for the appellant, on instructions, prays for withdrawal of the writ appeals with liberty to avail appropriate remedies, including approaching the Hon'ble Apex Court by filing appropriate proceedings. He further submits that the parties may be directed to maintain status quo, as on today, so as to facilitate the appellant to approach the Hon'ble Apex Court.

3. Accordingly, the writ appeals are disposed of as withdrawn with liberty as prayed for.

4. The parties are directed to maintain status quo, as on today, for a period of four weeks from today.

5. In view of disposal of the writ appeals, the pending interlocutory applications do not survive for consideration and are accordingly disposed of."

The Division Bench permitted withdrawal of appeals for approaching the Apex Court and directed maintenance of *status quo*. The Apex Court continues *status quo* in S.L.P.Nos.19351-19352 of 2023 initially by the following order:

"UPON hearing the counsel the Court made the following

O R D E R

1. It is pointed out that the Deputy Commissioner, Bangalore District allowed the conversion of land for residential purpose vide order dated 17-10-2008/26-11-2008. Thereafter, the Special Land Acquisition Officer, Bangalore Development Authority intimated that the land of the petitioner had been de-notified by way of Government orders dated 26-06-2010 and 19-05-2014.

2. Issue notice.

3. Tag with SLP (C) No.18828 of 2023.

4. Meanwhile, the status quo with regard to suit property shall be maintained."

Later, the Apex Court in connected cases which also included cases of the appellants, remitted the matter back to this Court on 22-01-2024. The order of the Apex Court reads as follows:

"1. Delay condoned.

2. Application seeking an amendment to the Special Leave Petition is allowed.

3. Leave granted.

4. The appellants in these cases are aggrieved by the Notifications, first dated 30.12.2008 issued under Section 17 of the Bangalore Development Authority Act, 1976 (in short, "the Act") and which eventually led to the final Notification under Section 19 of the said Act published on 30.10.2018.

5. These Notifications were challenged by the appellants before the High Court on various grounds including that their lands were initially included in the Development Scheme known as the 'Dr. Shivaram Karanth Layout Scheme' but after the publication of the preliminary Notification, their lands were subsequently deleted from the aforementioned Scheme.

6. Meanwhile, the preliminary Notification dated 30.12.2008 was quashed by the High Court. The said decision of the High Court, however, was reversed by this Court vide judgment dated 03.08.2018 passed in C.A. Nos.7661-63/2018 titled "Bangalore Development Authority & Anr. Vs. State of Karnataka & Anr."

7. This Court resultantly restored, revived and upheld the Dr. Shivaram Karanth Layout Scheme and consequently directed the State of Karnataka and BDA to implement the said Scheme.

8. It is in purported compliance of the above-cited decision of this Court that the final Notification dated 30.10.2018 was issued, which the appellants unsuccessfully assailed before the High Court.

9. The case of the appellants appears to be that notwithstanding the directions issued by this Court, they ought to have been given an opportunity to submit their objections before issuance of the final Notification dated 30.10.2018. However, the contention of the respondents before the High Court as well as before this Court is that, in view of the Bangalore Development Authority case (supra) , they were not obligated to accord an opportunity of being heard to the affected land owners.

10. Since the judgment rendered by this Court in Bangalore Development Authority case (supra) adversely affected various land owners, who were not parties before this Court, they moved miscellaneous applications seeking modification/clarification of the said judgment.

11. It seems that some review applications were also filed. It is not in dispute that all those review/miscellaneous/curative/clarificatory applications have been disposed of by a Co-ordinate Bench of this Court vide Order dated 12.12.2023 in the following terms:

"We are of the opinion that the present proceedings should be transferred to the High Court of Karnataka, at Bengaluru. Whether or not the term of the Committee should be extended as well as, the question of composition of the Committee, will be examined by the High Court.

The entire records of the present proceedings including all the applications, reports submitted by the Committee till date, and the orders passed thereon, will be sent to the High Court. An electronic/shadow file will, however, be maintained in this Court. The High Court will examine the latest reports filed by the Committee, that is, the 31st Report and the 32nd Report and pass appropriate orders.

The physical records will be transferred to the BDA, after storing an e-copy/set on cloud. The

credentials/details to access such e-copy shall be given to the authorized officers of BDA. The BDA will make a copy of the cloud records and store this one set on its server/cloud facility, as available with it. The original e-set will not be altered, modified or tampered.

Any person/entity, including the BDA, having an objection or issue arising from any reports of the Committee, may move an application before the High Court. The High Court will be entitled to decide all the pending issues and applications including the application(s) challenging any of the decisions taken by the Committee, or a subject matter of its reports.

However, in case there is any specific order or direction regarding a particular property, passed by this Court, applications regarding the same will be entertained by this Court.

Any person aggrieved by any order passed by the High Court will be entitled to approach this Court.

All interim orders passed by this Court with regard to transfer or retaining of the officers are hereby recalled.

Learned Advocate General for the State of Karnataka has drawn our attention to paragraph 23 of the order dated 20.01.2022, and submits that the State would like to pay additional compensation over and above the compensation payable under the Land Acquisition Act, 1894. Accordingly, the direction may be modified. We make no comments in this regard. It will be open to the State to move an appropriate application before the High Court indicating grounds and justification. The prayer will be considered in accordance with law.

Pending miscellaneous applications are also transferred.

We would request the Chief Justice of the High Court to nominate a Bench to deal with the cases arising out of the judgment dated 03.08.2018 and the order dated 03.12.2020."

12. Since the matter has been referred to the High Court to consider all the claims, we see no reason to keep these proceedings pending before us. Suffice it to observe that in view of the directions reproduced above, the High Court will examine all the issues, which will necessarily include the appellants' contention that the lands, which had been deleted from the Dr. Shivaram Karanth Layout Scheme, cannot be re-acquired without initiating a fresh acquisition process in accordance with law or that after the deletion/endorsement of such lands, the appellants have utilized the same in such a manner that no public purpose can be achieved by way of a fresh acquisition process.

13. The High Court will thus examine the legal effect of the deletion/endorsement of appellants' lands from the Scheme.

14. We may hasten to add that various other contentions urged before us, in our considered opinion, can be effectively raised before the High Court, in accordance with the law.

15. In view of the subsequent events noticed above, namely the order dated 12.12.2023 passed by this Court, and without expressing any opinion on the merits of the appellants' claim, we set aside the impugned judgments/orders and remit these cases back to the High Court to be heard along with the matters, which are listed before the Bench constituted by the Chief Justice of the High Court in compliance with the order dated 12.12.2023 of this Court.

16. Till the matters are decided by the High Court afresh, status quo re: further construction/demolition/possession and development shall be maintained.

17. The parties are, accordingly, directed to appear before the High Court on 12.02.2024.

18. All the pending interlocutory applications, including those for impleadment, are also disposed of with liberty and directions as mentioned above.

19. Accordingly, the Civil Appeals are disposed of.

CONMT.PET.(C) No.34-35/2024

20. In view of the order passed in above C.A. No.830 /2024 and connected matters, the Contempt Petitions stand dismissed.

SLP (C) Dy. No.30336/2023

21. On the joint request of Mr. Mahesh Thakur, learned senior counsel and the learned counsel for the respondent, Diary No.30336/2023 is taken on board.

22. Delay condoned.

23. Leave granted.

24. In view of the order passed in C.A. No.830 /2024 and connected matters, the appeal is disposed of."

The Apex Court observes that this Court should examine all issues which will necessarily include the contentions of the appellants that their lands which had been deleted from acquisition cannot be again acquired without initiating fresh acquisition proceedings in accordance with law or that after deletion by endorsement of such lands, the appellants have utilized the same in such a manner that no public purpose can be achieved by way of fresh acquisition process. It was directed that this Court will also examine the legal effect of deletion/endorsement of appellants' lands from the scheme.

12. In the light of the order of the Apex Court, the issue now would be, whether lands that are dropped from acquisition could be confirmed, as the Apex Court had directed acquisition of lands without qualification in its order dated 3-08-2018. Since the Apex Court, in its later order directs issues to be considered including the issue whether dropping of lands from acquisition was correct or otherwise by this Bench, on consideration what would unmistakably emerge is, the appellants were communicated with the afore-quoted order of the Bangalore Development Authority that the lands will be dropped from acquisition. If the said communication has led to various developmental activities in the land, it cannot be said that it can be re-acquired now by a stroke of pen. The right of the land owners got crystallized to utilize their lands free from acquisition when the communication dated 28-03-2012 went into the hands of the appellants. The Bangalore Development Authority cannot now contend that the endorsement dated 28-03-2012 has been withdrawn at a later point in time, without placing a single document of such withdrawal. The conversion was long back in the year 2010 itself. Added to the communication dated 28-03-2012,

the appellants are entitled to the benefit that is conferred by the Bangalore Development Authority itself.

13. This Bench, with a different combination, in identical circumstances in Writ Appeal No.1412 of 2021 considering an identical endorsement of the Bangalore Development Authority had allowed the appeal by order dated 13-12-2024, by the following reasons:

"The petitioner files the subject writ appeal on 20-12-2021 challenging the order passed by the learned single Judge. The writ appeal comes to be dismissed by an order dated 23-05-2022, as identical appeals against the orders passed by the learned single Judge had already been upheld by the Division Bench in Writ Appeal No.1400 of 2021 vide judgment dated 28-02-2022.

... ..

The Apex Court notices an order dated 12-12-2023, by which all the petitions that were pending, challenging the acquisition for formation of Dr. K.Shivarama Karanth Layout be placed before a specially constituted Bench and this matter was also directed to placed before this Bench by the aforesaid order. While so doing, the Apex Court observes that all the grounds urged before the Apex Court in the Special Leave Petitions could be effectively raised before this Court and therefore, the matters are remitted after setting aside the order of the Division Bench. The matter, thus lands before us.

13. The issue now would be, whether the lands that are dropped from acquisition could be confirmed, as the Apex Court had directed acquisition of lands without qualification in its order dated 03-08-2018. Since the Apex Court in the later order

directs all the issues to be considered, the issue whether the dropping of lands from acquisition was correct or otherwise is also to be considered by this Bench and on consideration, what would unmistakably emerge is that, it was not only the order of the Special Land Acquisition Officer that led dropping of the lands from acquisition, but the Commissioner, BDA had also put his imprimatur to the order of the Special Land Acquisition Officer, all of which have statutorily happened exercising the power under Section 17 of the Act, which permits conduct of an inquiry. If the land had been sought to be given up pursuant to the proceedings drawn in accordance with law and that had been crystalized prior to issuance of the final notification, in our considered view, the land of the petitioner like other exemptions granted by the Apex Court from time to time, could be dropped from such acquisition.

14. For the aforesaid reasons, the following:

ORDER

- (i) Writ Appeal is allowed.
- (ii) The dated 29-11-2021 passed by the learned single Judge in Writ Petition No.1140 of 2021 concerning the petitioner is rendered unsustainable and is set aside.
- (iii) Writ Petition No.1140 of 2021 is allowed and it is declared that the lands of the petitioner – subject lands, have been dropped from the acquisition for the purpose of formation of Dr. Shivarama Karanth Layout.
- (iv) No costs.”

The Bangalore Development Authority challenged the said judgment of the Division Bench before the Apex Court and the Apex Court in

terms of its order dated 10-11-2025 passed in SLP (C) No. 32434 of 2025 rejected the SLP on the following order:

"1. Delay condoned.

2. Having heard learned senior counsel for the petitioners at a considerable length, we see no valid ground to interfere with the impugned order dated 13-12-2024 passed by the High Court of Karnataka.

3. The Special Leave Petition is, accordingly, dismissed.

4. All pending applications, if any, also stand disposed of"

Therefore, the appellants are entitled to the very relief that is granted to the other land owners/appellants in Writ Appeal No.1412 of 2021.

14. For the aforesaid reasons, the following:

ORDER

- (i) Writ Appeals are **allowed**.
- (ii) The order of the learned single Judge dated 29-11-2021 passed in Writ Petition Nos.2285 of 2021 and 2295 of 2021 is set aside and the said writ petitions are allowed in entirety.

- (iii) The final notification dated 03-10-2018 insofar as it concerns schedule lands owned by the appellants stands quashed. It is declared that the appellants are entitled to all consequential benefits that would flow from quashment of the final notification.

Consequently, pending applications if any, also stand disposed.

**Sd/-
(M.NAGAPRASANNA)
JUDGE**

**Sd/-
(VENKATESH NAIK T)
JUDGE**

bkp
CT:MJ