



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 11TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE S SUNIL DUTT YADAV

WRIT PETITION NO. 23445 OF 2022 (LA-KIADB)

BETWEEN:

1. MR PRASANNA KUMAR
S/O LATE B.R. KRISHNAPPA
AGED ABOUT 40 YEARS
R/AT BANIKODIGEHALI JALA HOBLI,
BENGLAURU NORTH
BENGALURU - 560 064

... PETITIONER

(BY SRI. D.R. RAVISHANKAR, SENIOR ADVOCATE FOR
SRI SARAVANA S., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REPT BY ITS SECRETARY
DEPARTMENT FO INDUSTRIES AND COMMERCE
M.S. BUILIDNGS
DR. B.R. AMBEDKAR VEEDHI,
BENGALURU - 560 001
2. THE STATE OF KARNATKA
REP BY THE PRINCIPAL SECRETARY
DEPARTMENT OF REVENUE
VIKASA SOUDHA
DR. B.R. AMBEDKAR VEEDHI,
BENGALURU - 560 001

Digitally
signed by
PRAKASH N
Location:
HIGH
COURT OF
KARNATAKA



3. THE KARNATAKA INDUSTRIAL AREA
DEVELOPMENT BOARD
BY ITS CHAIRMAN/
SPL LAND ACQUISITION OFFICER
NRUPATHUNGA ROAD,
BENGALURU - 560 001

... RESPONDENTS

(BY SRI. HARISHA A.S., AGA FOR R1 AND R2;
SRI BASAVARAJ V. SABARAD, SENIOR ADVOCATE FOR
SRI H.L. PRADEEP KUMAR, ADVOCATE FOR R3)

THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF
THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE
PRELIMINARY NOTIFICATION BEARING NO. CI/247/SPQ/2006,
DATED 07.08.2006, VIDE ANNEXURE-D AND THE FINAL
NOTIFICATION BEARING NO. CI/397/SPQ/2007, BENGALURU,
DATED 25.09.2008, VIDE ANNEXURE-E, ISSUED BY THE R1, AS
HAVING BEEN LAPSED IN SO FAR AS IT PERTAINS TO
SCHEDULE PROPERTY BEARING SY.NO.7 TO AN EXTENT OF
4-00 ACRES AND ETC.

THIS PETITION COMING ON FOR PRELIMINARY HEARING
THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE S SUNIL DUTT YADAV



ORAL ORDER

The petitioner has filed the present petition seeking for issuance of writ in the nature of certiorari to quash the Preliminary Notification dated 07.08.2006 at Annexure-D as well as Final Notification dated 25.09.2008 at Annexure-E. The petitioner has sought for declaration that the notifications have lapsed insofar as it pertains to schedule property bearing Sy.No.7 to an extent of 04 Acres.

2. A perusal of the pleadings would reveal that the petitioner has made out a case that Sri.B.R.Krishnappa who was in possession of about 04 Acres of land in Sy.No.7 of B.K.Palya Village, Jala Hobli, Devanahalli Taluk was a grantee of the aforesaid extent of land and Saguvali Chit in that regard was issued on 12.07.1985.

3. It is further contended that name of said B.R.Krishnappa was not reflected in the revenue records at the time the notifications were issued and the said B.R.Krishnappa died on 28.02.2002. It is stated that the petitioner who is the son of B.R.Krishnappa had made a representation for making entries in "Computerised RTC".



4. It is stated that eventually the proceedings were initiated before the Special Deputy Commissioner in LND CR(3)122/2008-09 and a direction was issued by the Special Deputy Commissioner, Bengaluru, by order dated 27.06.2011 through Tahsildar to make entries in respect of the land.

5. It is submitted that pursuant thereto, mutation was effected in the name of the petitioner on 24.05.2013 and entries in the RTC have been made. It is further averred that the petitioner was not aware of the acquisition proceedings. The petitioner submits that his possession was never disturbed and it is for the first time the revenue entries of 2020-21 make reference to acquisition by KIADB.

6. It is submitted that it is only later petitioner having come to know of the said proceedings has sought to initiate appropriate proceedings before the authorities and this court. Accordingly, the present petition has been filed.

7. The petitioner submits that the proceedings for acquisition can be construed to have been lapsed as not having been completed, that there is no possibility of formation of



Industrial Layout in isolated piece of property, that in light of absence of entry of the name of the petitioner in revenue records, petitioner was deprived of liberty to participate in the acquisition proceedings.

8. Learned Senior Counsel appearing for the petitioner has raised certain other contentions including that insofar as Sy.No.1 of Are Binnamangala is concerned, KIADB has extended the benefit of taking note of revenue entries effected in the name of land owners which were changed subsequently and in fact has proceeded to amend the notification and grant compensation to the land owners and therefore, the same benefit may be extended to the petitioner as well.

9. Learned Senior Counsel Sri.Basavaraj V. Sabarad appearing for respondent-KIADB would rely on the synopsis with list of dates and submits that Preliminary Notification was issued on 07.08.2006, Final Notification under Section 28 (4) was issued on 25.09.2008 as on which date i.e., date of publishing of 28 (4) notification in the Gazette on 26.09.2008 the lands stood vested with the State free from all encumbrances.



10. It is further submitted that possession was taken on 22.11.2008 and accordingly, the question of another proceeding under Section 136 of the Karnataka Land Revenue Act that came to be initiated by the Deputy Commissioner after the notification under Section 28 (4) was impermissible. It is further asserted that the names of land owners in Sy.No.7 who are other than the petitioners are found in the revenue records and continued as well.

11. It is strenuously contended that the writ petition itself was filed on 21.11.2022 which is with undue delay and latches and at this point of time to interfere and grant any kind of relief to the petitioner would not be warranted.

12. It is further submitted that the genuineness of grant certificate of the petitioner is questionable and reliance is placed on the order of this court dated 15.04.2025 and it is submitted that exercise of verifying the genuineness having been made by this court in the proceedings, the stand of the revenue authorities is that there were interpolations made in the saguvali chit register and there is no information available in the original register pertaining to the grant stated to have



been made in favour of the petitioner needs to be taken note of and the petition be dismissed.

13. It must be noticed at the outset that the petitioner claims to be grantee in Sy.No.7. Though the grant is stated to be on 12.07.1985, admittedly as on the date of the notifications being issued there were no entries in the R.T.C.'s. It is not in dispute that there were no original grant records. It is only after the preliminary and final notification were passed, that the proceedings under Section 136(3) of the Karnataka Land Revenue Act, came to be initiated on 27.07.2009, in light of ambiguity of records. Despite such proceedings being dropped, the Government has taken a stand that there are doubts regarding entries in the Saguvali Chit Register. The said aspect was raised in the present proceedings also. As pointed out by the learned Senior Counsel appearing for respondent-KIADB that this court by order dated 15.04.2025 directed the revenue authorities to take stand regarding genuineness of the grant.

14. The observation made in the order dated 15.04.2025 reads as follows:



"The petitioner, Sri.Prasanna Kumar S/o Late Sri.B.R.Krishnappa, is challenging the preliminary notification dated 07.08.2006 and the final notification dated 25.09.2008, insofar as land in Sy.No.7, measuring 4.00 Acres situated at Bandi Kogidepalya, is concerned. The connected writ petition is filed by the petitioner's mother-Smt.Komamma W/o Late Sri.B.R.Krishnappa, in respect of land in Sy.No.74, measuring 4.00 Acres, situated at Bandi Kodigehalli, is concerned.

In both the writ petitions, it is contended that since the names of the khathedars, were not reflected in the acquisition notifications, the petitioners approached the Tahsildar and later the Special Deputy Commissioner, invoking the provisions contained in Section 136 of the Karnataka Land Revenue Act. Annexure-B is the order passed by the Special Deputy Commissioner stating that he has verified the original records, original Grant Register and found that the original Grant Register does not reflect the grant of lands in favour of Smt.Komamma and Sri.B.R.Krishnappa, nevertheless, the Saguvali Chit Issue Register shows the names of the two grantees.

During the course of these proceedings, directions were issued by this Court to the concerned Tahsildar to make available the original



Grant Register and original Saguvali Chit Issue Register. The learned Counsels for the petitioners as well as the respondent-KIADB were directed to look into the original Grant Register and original Saguvali Chit Issue Register. It is clear that no such information is available in the original Grant Register pertaining to the grant said to have been made in favour of the petitioners in both the writ petitions. However, in the Saguvali Chit Issue Register, the learned AGA has pointed out to the interpolations made showing the names of Smt.Komalamma and Sri.B.R.Krishnappa.

It is also pointed out from the Saguvali Chit Issue Register that entries have been made showing one grant made in favour of Smt.Komalamma and Sri.B.R.Krishnappa in respect of two properties. Nevertheless, it is pointed out that all the entries are illegal and without there being an original grant order.

Learned Senior Counsel Sri.D.R.Ravishankar, however sought for copies of the Saguvali Chit Issue Register. Learned AGA submits that copies of the same will be furnished immediately.

Re-list this matter on 22.04.2025.

Interim order granted earlier stands extended till the next date of hearing.



De-link W.P.No.2793/2025 from these matters."

In light of the same, there appears to be prima-facie doubt of the grant stated to have been made in favour of the petitioner's father as asserted.

15. However, apart from such aspect, what requires to be noticed is that under the scheme of provisions of KIAD Act, which has been held to be self-contained code and comprehensive scheme in terms of Section 28, the preliminary notification is passed under Section 28 (1).

16. Under Section 28 (2), notice is issued on the owner or occupier to show-cause as to why land should not be acquired and then it is followed by the order by the Government under Section 28 (3). Thereafter, once the State Government is satisfied that land should be acquired for the purpose specified under the Notification issued under Section 28 (2), declaration in the Official Gazette shall be made to that effect. The legal effect of notification under Section 28 (4) and under 28 (5) would be that on publication of the notification in the Official Gazette of the declaration under 28 (4), the land



shall vest absolutely in the State Government free from all encumbrances.

17. In the present case, in terms of the timeline, the Preliminary Notification was made on 07.08.2006, Final Notification was on 25.09.2008 and published in the Official Gazette on 26.09.2008. It is further asserted that possession was taken as per the procedure on 22.11.2008. What is to be noticed is that, once final notification i.e., notification under 28 (4) is issued by virtue of 28 (5), the land shall vest absolutely in the State Government free from all encumbrances.

18. Accordingly, as on 26.09.2008, which is the date on which 28 (4) notification was published in the Official Gazette the land shall vest absolutely in the State Government free from all encumbrances. Such vesting is conclusive insofar as the question of possession is concerned.

19. It must be noticed that the petitioner's claim if any is required to be evaluated as on the date of Section 28 (4) notification and admittedly as on such date there were no



entries in the revenue records relating to their alleged grant. If the grant was made as asserted in the year 1980, admittedly there were no revenue entries in the name of the petitioner as on 25.09.2008 when final notification was issued. What is of further relevance is that the writ petition by the petitioner itself is filed only on 21.11.2022. The relief claimed in the writ petition is barred by delay and laches. The say of the petitioner that he has been in possession and was never disturbed and also waiting for revenue entries to be made is a ground that cannot be taken as satisfying the explanation for delay in approaching the court.

20. It must be noticed that respondent-KIADB has specifically asserted that in the interregnum even before the writ petition was filed, the Industrial Layout was formed. The respondent-KIADB in its statement of objections filed on 25.09.2023 at para 6 has specifically stated that after acquisition of lands, the KIAD Board has formed Hi-Tech, Defence and Aerospace Park (IT Sector). It is orally asserted that plot numbers have been assigned.



21. It is the further case of respondent-KIADB that the name of the petitioner was neither found in the JMC, nor reflected in the Final Notification and in the absence of revenue entries in his name, the question of KIADB having considered the claim of the petitioner does not arise. The said contention requires acceptance.

22. The Acquiring Authority is required to look into the revenue entries which would reflect the rights of persons interested and there may not be further obligation for revenue authorities to make further enquiry at the time of notification. It is also necessary to notice that the authorities have also produced records which would indicate that JMC would indicate the names of other persons as claimants as persons in possession of Sy.No.7. Annexure R2 is the JMC report and Annexure-R3 is the Sketch filed along with the additional statement of objections by the KIADB which was filed on 11.06.2024 which would indicate that the planning process was completed as well as Layout was formed way back in the year 2009 itself. Insofar as disbursement of compensation,



Annexure-R4 has been produced by the authorities along with their additional statement of objections.

23. Insofar as contention of lapse raised in the pleading though not pressed at the time of hearing of the matter, respondent-KIADB have taken a specific stand in their statement of objections at para 7.

24. It is also to be noticed that reliance is placed by the respondent-KIADB on the judgment of the Division Bench in the case of ***Sri.K.Srinivas Murthy and Another v. State of Karnataka, Department of Commerce and Industries and Others reported in ILR 2020 KAR 4195 Para 27*** which would indicate that Section 24 (2) of 2013 Act cannot be resorted to a concluded case. The court had noticed that acquisition having been concluded in the year 2001 by issuance of notification under Section 28 (4), the petition filed in 2016 could not have the effect of revival of contention regarding lapse as no time limit was prescribed under the KIAD Act for passing the award.



25. In the present case, it is made out from the timeline that Preliminary Notification was issued on 07.08.2006, Final Notification was issued on 25.09.2008 and possession taken thereafter and award was concluded in the year 2010.

26. It must be noticed that petitioner's right as on the date of final notification to 28(4) notification is inchoate. If that were to be so, the question of seeking of lapse of the acquisition itself does not arise. Even otherwise, petitioner's entry in the revenue records were made much later, subsequently, the acquisition proceedings have reached logical finality.

27. The assertion by the petitioner that he was aware of the acquisition proceedings only later will not have the effect of permitting a belated plea before the court.

28. Annexure-R4 produced along with the statement of objections filed by KIADB is relied upon to show disbursal of compensation to claimants. Even otherwise, even at this point of time, no case is made out for the petitioner who as on the



date of Final Notification did not have the revenue entries in his favour to seek relief.

29. Learned counsel for respondent-KIADB has filed a memo and enclosed the copy of receipt of one Smt.Savitha who has accepted the amount of compensation on the basis of consent price. The said receipt is dated 15.10.2009 and an amount of Rs.2,48,00,000/- has been accepted by the said person. Copy of the agreement dated 15.10.2009 for acceptance of the compensation amount is placed on record. Though petitioner contests the entitlement of the said person, such enquiry is impermissible at this stage in the present proceedings.

30. Accordingly this court finds no reason to entertain the claim made by the party who seeks to assert rights. If compensation is disbursed by way of consent, the question of revisiting the contention of lapse of acquisition does not arise. The application filed to implead Savitha who has accepted compensation cannot be considered at this stage as it would amount to enlarging the scope of the litigation.



31. The impleading application is disposed of as not calling for adjudication at this point of time as the court cannot permit the present petitioner to transform the litigation into adjudication of inter se dispute between the petitioner and those who have accepted the compensation with respect of land in question.

32. Accordingly, the petition is rejected.

Sd/-
(S SUNIL DUTT YADAV)
JUDGE

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