



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 31ST DAY OF JANUARY, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MR. JUSTICE C.M. POONACHA

WRIT APPEAL NO. 1427 OF 2024 (LA-RES)

BETWEEN:

1. SRI GURUSHANTAPPA
S/O LATE PATEL KULLAPPA
AGED ABOUT 64 YERARS
R/AT BASAVANAHALLI VILLAGE
AT SY NO.108 AND 109
VIJAYANAGAR 4TH PHASE
2ND STAGE, MYSORE 570001
2. SRI SHAMBU
S/O GURUSHANTHAPPA
S/O LATE PATEL KULLAPPA
AGED ABOUT 42 YEARS
R/AT BASAVANAHALLI VILLAGE
AT SY NO 108 AND 109
VIJAYANAGR 4TH PHASE
2ND STAGE MYSORE 570001
3. SMT AMBIKA
D/O GURUSHANTHAPPA
S/O LATE PATEL KULLAPPA
AGED ABOUT 38 YEARS
R/AT BASAVANAHALLI VILLAGE
AT SY NO 108 AND 109
VIJAYANAGR 4TH PHASE
2ND STAGE MYSORE 570001

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4. SRI NANDISH
S/O GURUSHANTAPPA
S/O LATE PATEL KULLAPPA
AGED ABOUT 36 YEARS
R/AT BASAVANAHALLI VILLAGE
AT SY NO 108 AND 109
VIJAYANAGR 4TH PHASE
2ND STAGE MYSORE 570001
5. SRI PUTTANANJAPPA
S/O LATE PUTTAMADAPPA
AGED ABOUT 88 YEARS
R/AT BASAVARIAHALLI VILLAGE
AT SY NO 108 AND 109
VIJAYANAGR 4TH PHASE
2ND STAGE MYSORE 570001
6. SRI VEERABHADRAPPA
S/O PUTTANANJAPPA
AGED ABOUT 58 YEARS
R/AT BASAVARAHALLI VILLAGE
AT SY NO 108 AND 109
VIJAYANGAR 4TH PHASE
2ND STAGE, MYSORE 570001
7. SRI SHIVARUDRAPPA
S/O PUTTANANJAPPA
AGED ABOUT 57 YEARS
R/AT BASAVARIAHALLI VILLAGE
AT SY NO 108 AND 109
VIJAYANGAR 4TH PHASE
2ND STAGE, MYSORE 570001
8. SRI BASAVANNA
S/O PUTTANANJAPPA
AGED ABOUT 60 YEARS
R/AT BASAVARAHALLI VILLAGE
AT SY NO 108 AND 109
VIJAYANGAR 4TH PHASE
2ND STAGE, MYSORE 570001



9. SRI SHIVANNA
S/O LATE PATEL KULLAPPA
AGED ABOUT 74 YEARS
R/AT BASAVANAHALLI VILLAGE
AT SY NO 108 AND 109
VIJAYANGAR 4TH PHASE
2ND STAGE, MYSORE 570001
10. SRI SOMASHEKAR
S/O SHIVANNA
AGED ABOUT 47 YEARS
R/AT BASAVANAHALLI VILLAGE
AT SY NO 108 AND 109
VIJAYANGAR 4TH PHASE
2ND STAGE, MYSORE 570001
11. SRI CHANDRASHEKAR
S/O SHIVANNA
AGED ABOUT 42 YEARS
R/AT BASAVANAHALLI VILLAGE
AT SY NO 108 AND 109
VIJAYANGAR 4TH PHASE
2ND STAGE, MYSORE 570001
12. SRI SHANTH KUMAR
S/O SHIVANNA
AGED ABOUT 37 YEARS
R/AT BASAVANAHALLI VILLAGE
AT SY NO 108 AND 109
VIJAYANGAR 4TH PHASE
2ND STAGE, MYSORE 570001
13. SRI PUTTANANJAMMA
W/O L T MAHADEVAPPA
AGED ABOUT 88 YEARS
R/AT BASAVANAHALLI VILLAGE
AT SY NO 108 AND 109
VIJAYANGAR 4TH PHAE
2ND STAGE, MYSORE 570001
14. SMT GANGAMMA



D/O LATE SHANKAR
AGED ABOUT 43 YEARS
R/AT BASAVANAHALLI VILLAGE
AT SY NO 108 AND 109
VIJAYANGAR 4TH PHASE
2ND STAGE, MYSORE 570001

15. SRI ALLAMMAPRABHU
S/O LATE MAHADEVAPPA
AGED ABOUT 55 YEARS
R/AT BASAVANAHALLI VILLAGE
AT SY NO 108 AND 109
VIJAYANGAR 4TH PHASE
2ND STAGE, MYSORE 570001

16. MAHENDRA
S/O LATE SHANKAR
AGED ABOUT 40 YEARS
R/AT BASAVANAHALLI VILLAGE
AT SY NO 108 AND 109
VIJAYANGAR 4TH PHASE
2ND STAGE, MYSORE 570001

...APPELLANTS

(BY SRI. RAMESH BAIRAREDDY, ADVOCATE FOR
SRI. VARUN M.R. AND YATHISH S, ADVOCATES)

AND:

1. STATE OF KARNATAKA
BY ITS SECRETARY
DEPARTMENT OF URBAN DEVELOPMENT
AND HOUSING 4TH FLOOR
VIKASA SOUDHA
DR. AMBEDKAR VEEDHI
BENGALURU 560 001
2. MYSURU URBAN DEVELOPMENT AUTHORITY
J.L. B. ROAD
MYSURU 570 001



- REPRESENTED BY ITS COMMISSIONER
3. THE SPECIAL LAND ACQUISITION OFFICER
MYSURU URBAN DEVELOPMENT
AUTHORITY J.L. B. ROAD,
MYSURU 570 001
 4. MAJ N SRINATH
S/O G S NANJUND RAO
AGED ABOUT 66 YEARS
R/AT NO 282/2, OLD
498C 35TH CROSS
JAYANAGAR, 4TH T BLOCK
BENGALURU 560041
 5. SRI K THIMMEGOWDA
S/O KALEGOWDA
AGED ABOUT 68 YEARS
R/AT CHIBEDRAHALLI
KANGANAMARDI POST
PANDAVAPURA TALUK
MANDYA 571434
 6. SMT LAKSHMI
W/O THAMANNA
AGED ABOUT 49 YEARS
 7. SMT NETHRAVATHI
D/O THAMANNA
AGED ABOUT 33 YEARS
 8. SMT CHAITRA
D/O THAMANNA
AGED ABOUT 20 YEARS
 9. SMT CHIKKAMMA
W/O LATE KARIGOWDA
AGED ABOUT 71 YEARS
 10. SRI PUTTARAJA
S/O LATE KARIGOWDA
AGED ABOUT 42 YEARS



11. SMT SUNITHA
D/O LATE KARIGOWDA
AGED ABOUT 37 YEARS

12. SRI PRAKASH
S/O LATE KARIGOWDA
AGED ABOUT 34 YEARS

13. SMT KEMPAMMA
W/O LATE CHIKKEGOWDA
AGED ABOUT 77 YEARS

14. SRI PAPANNA
S/O LATE CHIKKEGOWDA
AGED ABOUT 54 YEARS

RESPONDENTS 6 TO 14 ARE
R/AT NO 366/1, HUNDI BEEDI
INKAL MYSORE 570018

15. DR NAVEEN KUMAR D S
S/O SHANKARAPPA D R
AGED ABOUT 42 YEARS
R/AT NO 3011, 24TH CROSS
24TH MAIN, MYSORE 570017

16. SMT MANASA S
W/O MR P V SUDEEP
AGED ABOUT 30 YEARS
RF/AT NO 39, HIRODE STREET
PANDAVAPURA
MANDYA 571434

17. MRS T S RAJALAKSHMI
W/O LATE T S VEERAGHAVACHAR
AGED ABOUT 72 YEARS
R/AT 535/D 4TH CROSS
5TH MAIN, NEAR AYYAPPASWAMY TEMPLE
VIJAYA BANK LAYOUT
BENGALURU SOUTH



BENGALURU 560076

18. SMT KAVITHA
D/O LATE SHANKAR
AGED ABOUT 43 YEARS
R/AT BASAVANAHALLI VILLAGE
AT SY NO 108 AND 109
VIJAYANGAR 4TH PHASE
2ND STAGE, MYSORE 570001
19. SMT SAVITHA
D/O LATE SHANKAR
AGED ABOUT 40 YEARS
R/AT BASAVANAHALLI VILLAGE
AT SY NO 108 AND 109
VIJAYANGAR 4TH PHASE
2ND STAGE, MYSORE 570001
20. SMT GEETHA
D/O LATE SHANKAR
AGED ABOUT 38 YEARS
R/AT BASAVANAHALLI VILLAGE
AT SY NO 108 AND 109
VIJAYANGAR 4TH PHASE
2ND STAGE, MYSORE 570001

...RESPONDENTS

(BY SRI. MOHAMMED JAFEER SHAH, AGA FOR R1
SRI. VIVEKANANDA T P, ADVOCATE FOR C/R2 & R3
SRI. NISHANT A.V, ADVOCATE FOR C/R16)

THIS WRIT APPEAL IS FILED U/S 4 OF THE KARNATAKA HIGH COURT ACT PRAYING TO ALLOW THE APPEAL, BY SETTING ASIDE THE ORDER DATED 05.08.2024 IN WRIT PETITION No. 20257/2021 BY THE LEARNED SINGLE JUDGE AND GRANT THE PRAYERS AS PRAYED FOR IN THE INTEREST OF JUSTICE AND EQUITY.

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



CORAM: HON'BLE MR. JUSTICE D K SINGH
and
HON'BLE MR. JUSTICE C.M. POONACHA

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE C.M. POONACHA)

1. The present intra-Court appeal is filed by the writ petitioners calling in question the order dated 05.08.2024 passed in W.P.No.20257/2021, whereunder the learned Single Judge dismissed the writ petition. The said petition was filed by the petitioners to quash the acquisition of the petition schedule lands.

2. The relevant facts in a nutshell leading to the present appeal are that the petitioners' family claim to be the owners of an extent of 4 acres 36 guntas of land in Survey No.108 and an extent of 3 acres 32 guntas of land in Survey No.109 (totally measuring 8 acres 28 guntas) situated at Basavanahalli Village, Kasaba Hobli, Mysore Taluk and District (hereinafter referred to as 'the said lands'). The said lands along with other lands were acquired by respondent No.2-Mysore Urban Development



Authority-(MUDA) for the formation of Vijayanagara 4th stage Layout.

3. The preliminary notification was issued under Section 17(1) of the Karnataka Urban Development Authorities Act, 1987 (hereinafter referred to as the 'Act') and a final modification dated 10.12.1992 was issued under Section 19(1) of the said Act. A notice dated 06.08.1994 under Section 12(2) of the Act was issued informing that a general award has been passed and a notice dated 05.09.1994 was issued informing the father of the petitioners to receive the compensation amount. Being aggrieved, the petitioners filed WP No.43506/2011 along with other connected writ petitions. A learned Single Judge of this Court vide order dated 01.06.2012 held as under:

6. The petitioners have approached this Court after long delay of 20 years. As aforementioned, acquisition notifications were issued as back as in the year 1991-1992. Absolutely no valid reasons are assigned for condoning such a long delay. Hence, the writ petitions are liable to be dismissed both on the ground of delay and laches as well as merits.



However, the prayer of the petitioners for a direction to consider the representation Annexure-D dated 14.3.2011 filed by the petitioners needs to be considered as per law. This Court while deciding W.P.No.16504/2004 has directed MUDA to consider and allot suitable sites in favour of each of the petitioners therein, having regard to the economic and social status of the petitioners. However, said portion of the order was questioned by MUDA before the Division Bench in W.A.No.1849/2005. While disposing of the said writ appeal, this Court did not agree with the specific direction issued by learned Single Judge relating to allotment of site in favour of the petitioners therein. On the other hand, the Division Bench has concluded that the prayer of the petitioners therein are to be considered as per law at the discretion of Mysore Development Authority. Hence, the same direction needs to be granted in these writ petitions also. Accordingly, the following order is made:-

a. It is held that the scheme in question is substantially implemented.

b. Acquisition notifications impugned in these writ petitions are not interfered with.

c. Respondent No.2 is directed to consider the representation vide Annexure-D dated 14.3.2011 in the light of the observations made in W.A.No.1849/2005 and as per law as early as possible, but not later than outer limit of four months from the date of receipt of this order.

With these observations, writ petitions stand disposed of.

(emphasis supplied)



4. The petitioners have inter-alia contended that they continue to remain in possession of the lands in question. They also contended that having regard to the enactment of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, (RFCTLARR Act), they are entitled to compensation under the said Act. Hence, the petitioners filed the subject writ petition in WP No.20257/2021 seeking for the following reliefs:-

WHEREFORE, the petitioners most respectfully pray that this Hon'ble Court be pleased to:-

a) Issue a writ in the nature of certiorari or any other writ to quash the proceedings dated 02-08-2021 of respondent No.2 in No.MYNAPRA/LAQ/2021-22 as per Annexure-R and also the Endorsement dated 04-08-2021 issued by respondent No.3 in No.LAC(2)72/94-95 as per Annexure-R1;

b) Consequently, pass an appropriate writ or order declaring that in view of the law laid-down by the Hon'ble Apex Court in G. Mohan Rao v/s State of Tamil Nadu and Others case reported in 2021 SCC OnLine SC 440, in view of given effect to the Right to Fair Compensation and Transparency in Land acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act No.30 of 2013), the earlier legislation i.e., the Karnataka Urban Development Authorities Act, 1987 stands repealed and it is not enforceable unless and until it is revived in terms of



the principles laid-down in the aforesaid judgment. Consequently, the authorities under the Act i.e., respondent Nos.2 and 3 cease to have any power to enforce the acquisition from taking any further action in pursuance to the Preliminary Notification dated 23-12-1991 as per Annexure-A and the Final Notification dated 10-12-1992 as per Annexure-B;

c) Pass any appropriate writ, order or direction as this Hon'ble Court deem it fit and proper in the facts and circumstances of the case and allow this Writ Petition with costs, in the ends of justice and equity.

5. Vide order dated 05.08.2024, the learned Single Judge held that the petitioners are only liable to seek for enhancement in the quantum of compensation. We find no error with the said finding.

6. With regard to the contention that they are entitled to compensation under the RFCTLARR Act, as rightly noted by the learned Single Judge, the process of acquisition was completed much prior to the coming in to force of the said Act. Hence, it was rightly held by the learned Single Judge that the petitioners are entitled to compensation as per the provisions of the Land Acquisition Act, 1894 [LA Act].



7. With regard to the contention regarding possession, the learned Single Judge noticed that the notification under Section 16(2) of LA Act has been drawn on 13.02.2002, which indicates that possession is already taken. They also noticed that layout maps have been published by MUDA and sites have been allotted in favour of third parties and allotment letters have also been issued and the area is also developed. Hence, the learned Single Judge has rightly rejected the contention put forth by the petitioners on the said aspect also.

8. The learned Single Judge dismissed the writ petition by granting liberty to the petitioners to make representations to respondent No.2-MUDA to grant them incentive sites as per the policy of MUDA.

9. It is the contention of the learned counsel for the appellants that the amount of compensation was a meager amount, deposited long ago, which is not commensurate with the value of extent of land that was



sought to be acquired and that the appellants would be put to great hardship if the said lands are taken away, having regard to the increase in the value of the said lands.

10. Learned counsel for the second respondent submits that as per the incentive policy of MUDA, the appellants will be entitled to allotment of adequate number of sites.

11. It is the contention of the learned counsel for the appellants that in lieu of the compensation amount, the appellants be allotted alternate sites apart from the sites they are entitled to under the incentive scheme.

12. In view of the above, it shall be open to the appellants to make a representation to the MUDA for allotment of two sites on an extent of 60X40 each in lieu of the compensation payable to them and if such a representation is made, the second respondent-MUDA shall favourably consider the same. This direction is given



considering the facts of the present case and not to be treated as precedent in future.

13. With the said observations, the present appeal stands disposed of.

14. Pending IAs., if any, stand disposed of.

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

**Sd/-
(C.M. POONACHA)
JUDGE**

Vmb
List No.: 1 Sl No.: 7