

Reserved on : 25.04.2026
Pronounced on : 16.06.2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE M. NAGAPRASANNA

WRIT PETITION No.23385 OF 2025 (LA - KIADB)

C/W

WRIT PETITION No.27198 OF 2025 (LA - KIADB)

WRIT PETITION No.29000 OF 2025 (LA - KIADB)

WRIT PETITION No.31817 OF 2025 (LA - KIADB)

Digitally signed by
SANJEEVINI J
KARISHETTY
Location: High
Court of Karnataka

IN WRIT PETITION No.23385 OF 2025

BETWEEN:

- 1 . SHRI B.H.RAJU
S/O HONNAIAH,
AGED ABOUT 57 YEARS
R/O NO.307, 2ND CROSS, 7TH MAIN ROAD,
NEAR PANCHAMUKHI GANESH TEMPLE
GOKULA 1ST STAGE, 2ND PHASE
MATHIKERE,
BENGALURU – 560 054.
- 2 . SHRI B.C.GOWDAPPA
AGED ABOUT 79 YEARS
S/O SIDDAGANGAIAH

NO.123, BALLAGERE,
NELAMANGALA TALUK
THYMAGONDLU HOBLI
BALLAGERE, BENGALURU RURAL – 562 132.

- 3 . SHRI JAGADISH
S/O NANJAYYA
AGED ABOUT 59 YEARS
R/O BALLAGERE, DODDABELE,
BENGALURU RURAL – 562 132.
- 4 . SHRI SIDDAGANGAIAH
S/O HONNAPPA
AGED ABOUT 69 YEARS
NO.01, BALLAGERE, BENGALURU RURAL,
DODDABELE POST
BENGALURU RURAL – 562 132.
- 5 . SHRI GOVINDRAJU
S/O SIDDAGANGAYA
AGED ABOUT 65 YEARS
R/O BALLAGERE, DODDABELE,
BENGALURU RURAL – 562 132.
- 6 . SHRI SRINIVASAMURTHY
S/O HANUMANTHARAYAPPA
AGED ABOUT 48 YEARS
R/O BALLAGERE, DODDABELE,
BENGALURU RURAL,
KARNATAKA – 562 132.

... PETITIONERS

(BY SRI M.B.NARGUND, SR.ADVOCATE FOR
SMT.SONA VAKKUND, ADVOCATE)

AND:

- 1 . THE STATE OF KARNATAKA
REPRESENTED BY ITS
CHIEF SECRETARY
MINISTRY OF INDUSTRIES AND COMMERCE
VIDHANA SOUDHA
BENGALURU – 560 001.
- 2 . KARNATAKA INDUSTRIAL AREA DEVELOPMENT BOARD
REPRESENTED BY CHIEF EXECUTIVE OFFICER
NO.49, KANIJA BHAVANA, EAST WING,
5TH FLOOR, RACE COURSE ROAD,
BENGALURU – 560 001.
- 3 . SPECIAL LAND ACQUISITION OFFICER - 1
KIADB, NO.14/3, CFC BUILDING,
MAHARSHI ARAVIND BHAVAN,
1ST FLOOR, NRUPATUNGA ROAD,
BENGALURU – 560 001.

... RESPONDENTS

(BY SRI M.RAJAKUMAR, AGA FOR R-1;
SRI K.SHASHI KIRAN SHETTY, ADVOCATE GENERAL A/W
SRI B.B.PATIL, ADVOCATE FOR R-2 AND R-3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT DIRECTION OR ORDER IN THE NATURE OF CERTIORARI BY QUASHING THE IMPUGNED PRELIMINARY AND FINAL NOTIFICATION U/S SEC 28(1) AND 28(4) OF KIADB ACT NO. CI 155 SPQ/2024 DATED 28-11-2024 AND 29-05-2025 RESPECTIVELY VIDE ANNEXURE T AND ANNEXURE AG RESPECTIVELY ISSUED BY THE 1ST RESPONDENT.

IN WRIT PETITION No.27198 OF 2025**BETWEEN:**

- 1 . SMT. BYRAMMA
C/O NARAYANAPPA
AGED ABOUT 72 YEARS
R/O NELAMANGALA TALUK
KODIGEHALLI, DODDABELE
BENGALURU RURAL - 562 132.
- 2 . SHRI LENKAPPA
S/O HUCHHA HANUMIAH
AGED ABOUT 75 YEARS
KODIGEHALLI, DODDABELE
NELAMANGALA
BENGALURU RURAL - 562 132.
- 3 . SHRI GANGAPPA
S/O JAVARAPPA
AGED ABOUT 58 YEARS
NO.65, KODIGEHALLI
THYAMAGONDLU HOBLI,
NELAMANGALA TALUK
KODIGEHALLI, DODDABELE
NELAMANGALA
BENGALURU RURAL - 562 132.
- 4 . T.K.KRISHNAMURTHY
S/O THIMMAIAH
AGED ABOUT 54 YEARS
OCCUPATION- AGRICULTURE
- 5 . LAKSHMAMMA
W/O T.K.KRISHNAMURTHY
AGED ABOUT 43 YEARS
OCCUPATION:AGRICULTURE AND HOUSEHOLD
BOTH P4 AND P5 ARE
R/O KODIGEHALLI, DODDABELE POST

THYAMGONDLU HOBLI,
BENGALURU RURAL – 562 132.

6 . PADMAVATHI.N.,
W/O SURESH K.R.,
AGED ABOUT 58 YEARS
R/O 20TH CROSS,
BAGALAKUNTE
HESARAGHATTA MAIN ROAD
BENGALURU NORTH
BENGALURU – 560 073.

7 . ASHWATHANARAYANA C.,
S/O G.CHANNAMARAYYA
AGED ABOUT 69 YEARS
R/O NO.71/2, 4TH CROSS
2ND MAIN ROAD,
RAMACHANDRAPURAM
BENGALURU – 560 021.

... PETITIONERS

(BY SRI M.B.NARGUND, SR.ADVOCATE FOR
SMT.SONA VAKKUND, ADVOCATE)

AND:

1 . THE STATE OF KARNATAKA
REPRESENTED BY ITS CHIEF SECRETARY
MINISTRY OF INDUSTRIES AND COMMERCE
VIDHANA SOUDHA
BENGALURU – 560 001.

2 . KARNATAKA INDUSTRIAL AREA DEVELOPMENT BOARD
REPRESENTED BY CHIEF EXECUTIVE OFFICER
NO.49, KANIJA BHAVANA, EAST WING,
5TH FLOOR, RACE COURSE ROAD,
BENGALURU – 560 001.

- 3 . SPECIAL LAND ACQUISITION OFFICER -1
KIADB, NO.14/3, CFC BUILDING,
MAHARSHI ARAVIND BHAVAN,
1ST FLOOR, NRUPATUNGA ROAD,
BENGALURU – 560 001.

... RESPONDENTS

(BY SRI M.RAJAKUMAR, AGA FOR R-1;
SRI K.SHASHI KIRAN SHETTY, ADVOCATE GENERAL A/W
SRI B.B.PATIL, ADVOCATE FOR R-2 AND R-3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO 1. ISSUE A WRIT, DIRECTION OR ORDER IN THE NATURE OF CERTIORARI BY QUASHING THE IMPUGNED PRELIMINARY AND FINAL NOTIFICATION U/S SEC 28(1) AND 28(4) OF KIADB ACT BEARING NO. CI 153 SPQ/2024 DATED 28-11-2024 AND 29-05-2025 VIDE ANNEXURE T AND ANNEXURE AJ RESPECTIVELY ISSUED BY THE 1ST RESPONDENT.

IN WRIT PETITION No.29000 OF 2025

BETWEEN:

- 1 . SHRI SIDDARAJU
S/O HUCHAIAH
AGED ABOUT 69 YEARS
NO.20, 1ST MAIN ROAD
6TH CROSS, B.K.NAGAR
BENGALURU NORTH – 560 022.
- 2 . GOWRAMMA S.B.,
W/O NARASIMHA MURHTY
AGED ABOUT 61 YEARS
NO.50, 1ST A CROSS
LIC COLONY
BASAVESHWAR NAGAR – 560 079.

- 3 . SOUMYA YOGISHA
D/O NARASIMHA MURTHY
AGED ABOUT 40 YEARS
NO.50, 1ST A MAIN ROAD
LIC COLONY
BASAVESHWAR NAGAR – 560 079.

... PETITIONERS

(BY SRI M.B.NARGUND, SR.ADVOCATE FOR
SMT.SONA VAKKUND, ADVOCATE)

AND:

- 1 . THE STATE OF KARNATAKA
REPRESENTED BY ITS CHIEF SECRETARY
MINISTRY OF INDUSTRIES AND COMMERCE
VIDHANA SOUDHA
BENGALURU – 560 001.
- 2 . KARNATAKA INDUSTRIAL AREA DEVELOPMENT BOARD
REPRESENTED BY CHIEF EXECUTIVE OFFICER
NO.49, KANIJA BHAVANA
EAST WING 5TH FLOOR
RACE COURSE ROAD
BENGALURU – 560 001.
- 3 . SPECIAL LAND ACQUISITION OFFICER-1
KIADB, NO.14/3, CFC BUILDING
MAHARSHI ARAVIND BHAVAN
1ST FLOOR, NRUPATUNGA ROAD
BENGALURU – 560 001.

... RESPONDENTS

(BY SRI M.RAJAKUMAR, AGA FOR R-1;
SRI K.SHASHI KIRAN SHETTY, ADVOCATE GENERAL A/W
SRI B.B.PATIL, ADVOCATE FOR R-2 AND R-3)

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IN WRIT PETITION No.31817 OF 2025

BETWEEN:

B.S.MANJUNATHA
S/O B.H.SIDDALINGAIAH
AGED ABOUT 53 YEARS
R/O NO.39, 3RD MAIN ROAD,
3RD CROSS, NEAR IOC PETROL BUNK
VINAYAKANAGAR
KAMAKSHIPALYA
BENGALURU NORTH
BASAVESHWARANAGAR
BENGALURU – 560 079.

... PETITIONER

(BY SRI M.B.NARGUND, SR.ADVOCATE FOR
SMT.SONA VAKKUND, ADVOCATE)

AND:

1 . THE STATE OF KARNATAKA
REPRESENTED BY ITS CHIEF SECRETARY
MINISTRY OF INDUSTRIES AND COMMERCE
VIDHANA SOUDHA
BENGALURU – 560 001.

2 . KARNATAKA INDUSTRIAL AREA DEVELOPMENT BOARD

REPRESENTED BY CHIEF EXECUTIVE
OFFICER NO.49, KANIJA BHAVANA,
EAST WING, 5TH FLOOR, RACE COURSE ROAD,
BENGALURU – 560 001.

- 3 . SPECIAL LAND ACQUISITION OFFICER -1
KIADB, NO.14/3, CFC BUILDING,
MAHARSHI ARAVIND BHAVAN,
1ST FLOOR, NRUPATUNGA ROAD,
BENGALURU – 560 001.

... RESPONDENTS

(BY SRI M.RAJAKUMAR, AGA FOR R-1;
SRI K.SHASHI KIRAN SHETTY, ADVOCATE GENERAL A/W
SRI B.B.PATIL, ADVOCATE FOR R-2 AND R-3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT, DIRECTION OR ORDER IN THE NATURE OF CERTIORARI BY QUASHING THE IMPUGNED PRELIMINARY AND FINAL NOTIFICATION U/S SEC 28(1) AND 28(4) OF KIADB ACT BEARING NO. CI 155 SPQ/2024 DATED 28-11-2024 AND 29-05-2025 VIDE ANNEXURE F AND ANNEXURE T RESPECTIVELY ISSUED BY THE 1ST RESPONDENT.

THESE WRIT PETITIONS HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 25.04.2026, COMING ON FOR PRONOUNCEMENT THIS DAY, THE COURT MADE THE FOLLOWING:-

CORAM: **THE HON'BLE MR JUSTICE M.NAGAPRASANNA**

CAV ORDER

The petitioners, in all these cases, call in question notifications, both preliminary and final, issued by the 1st respondent/State seeking to acquire lands to an extent of 3477 acres for the purpose of establishment of the knowledge, well-being and innovation city ('KWIN city,' for short). In the light of the challenge being to the said notifications in all these cases, they are taken up together and considered in this common order. For the sake of convenience, the facts obtaining in Writ Petition No.23385 of 2025, which are common in other writ petitions, would be narrated.

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

2.1. Petitioner No.1 and his family members in the subject petition are said to be the owners of the land in Sy.No.51/5 measuring 2 acres and 26 guntas of Ballagere village. Petitioner No.1 and his family members are said to be in possession and growing several trees fruit bearing or other plantations. The other

petitioners in the subject petition are also growing fruit bearing and other plantation in their respective lands.

2.2. Respondent No.1/State, through Respondent No.2/Karnataka Industrial Areas Development Board ('the Board', for short), initiated the KWIN city project near Dobaspet, Nelamangala and Doddaballapur Taluk, Bengaluru Rural District, which extends over approximately 4779 acres. The project is envisioned as the next generation smart city that integrates knowledge hubs, healthcare facilities, research institutions and high-tech industries with a self-sustained urban ecosystem. The said project is divided into 4 districts comprised of knowledge, health, innovation and research, with dedicated zones for residential, social and commercial zones with infrastructure. Pursuant to the conception of the project, the gram panchayat of Kodigehalli resolves requesting the authorities not to acquire certain survey numbers in Kodigehalli, Kenchapura and Ballagere Villages. Pending such request, two notifications come to be issued by the 1st respondent/State on 28-11-2024 under Sections 1(3) and 3(1) of the Karnataka Industrial Areas Development Act, 1966 (hereinafter

referred as 'the Act' for short) to declare the lands to be acquired for the purpose of the project as afore-noted as industrial area, for the development of the proposed KWIN city. A preliminary notification comes to be issued on the same day by the 1st respondent/State under Section 28(1) of the Act for the purpose of acquisition of 4779 acres of land for the purpose of the aforesaid project.

2.3. As obtaining under Section 28(2) of the Act, notices were issued to the landowners including the petitioners. It was indicated in the notices issued under sub-section (2) of Section 28 that, on 09-01-2025, proceedings of personal hearing as required under Section 28(3) of the Act would be held at 11 a.m. in the office of the Board at Bengaluru. On 06-01-2025, a Welfare Association of farmers filed objections to the notification under Section 28(1) of the Act raising several contentions and in effect seeking acquisition process to be deferred. Personal hearing, as obtaining under Section 28(3) of the Act was held on 09-01-2025.

2.4. The petitioners in all these petitions filed their objections to the preliminary notification, contending that they have been using the subject lands for agriculture and have coconut and arecanut plantation of the said lands. In the interregnum, one of the landowners files an RTI application seeking information pertaining to environmental clearance obtained by the respondents. An endorsement is issued to the said landowner stating that information pertaining to environmental clearance of the project was not available.

2.5. On 21-03-2025, the Special Land Acquisition Officer passes orders under Section 28(3) of the Act. A final notification thereon, on 29-05-2025, comes to be issued by acquiring not 4779 acres, but 3477 acres of land. These petitions, thus call in question, the preliminary notification so issued on 28-11-2024 and the final notification on 29-05-2025.

3. Heard Sri M B Nargund, learned senior counsel appearing for petitioners, Sri M Rajakumar, learned Additional Government Advocate appearing for respondent No.1 and Sri K Shashikiran

Shetty, learned Advocate General appearing along with Sri B B Patil for respondents 2 and 3.

4.1. The learned senior counsel Sri M B Nargund appearing for the petitioners would submit that the inquiry conducted under Section 28(3) of the Act is rendered a mere formality as the objections raised by the land owners have not been considered by the respondents. The orders under Section 28(3) observe that the lands of the petitioners are dry lands and do not have any crops on them, which is contrary to facts as the petitioners are growing arecanut, coconut and other crops or trees, which are fruit bearing. The lands of these petitioners are all garden lands and, therefore, they could not be acquired. The State has issued a circular on 03-03-2007, by virtue of which garden lands capable of growing two crops in a year and lands in which temples are situated should not be acquired.

4.2. Learned senior counsel would submit that there is no infrastructural planning or detailed study regarding execution of the project. Lands proposed to be acquired are within the catchment

area of Thippagondanahalli Reservoir and, therefore, there ought to have been necessary clearance from environmental authorities. The State is to ensure that pollution and acquisition shall be kept away from the catchment area to maintain ecological balance.

4.3. Learned senior counsel would submit that both the notifications issued under Sections 1(3) and 3(1) of the Act declare the lands as industrial areas. It is the submission of the learned senior counsel that only the notification under Section 3(1) declares the lands as industrial areas; therefore, the notifications issued bear no application of mind. He would thus seek quashment of the impugned preliminary and final notifications insofar as the lands of the petitioners are concerned.

5. *Per contra*, the learned Advocate General appearing for the Board would contend that there is no bar for issuance of notification under Sections 1(3), 3(1) and 28(1) of the Act on the same day. The requirement of obtaining environmental clearance arises only at the stage of commencement of construction or developmental activity and not at the stage of acquisition of lands. The State has

issued a circular on 18-03-2013 in supersession of the earlier circular dated 03-03-2007, which restricts the lands where two crops are grown in a year only to be excluded from acquisition as far as possible without disturbing contiguity and compactness of the layout. He would contend that the petitioners, in these cases, have not produced any material to establish that they have been growing more than two crops a year. Work orders have been issued to various organizations to bring in all statutory clearances, as KWIN city's plan and design is to ensure that no encroachment takes place on tanks, canals and other water resources. The acquisition proceedings as alleged do not lack any transparency, as none of the landowners have questioned, except these few pockets of land out of a mammoth 4000 acres. Although the rights of an individual whose property is sought to be acquired must be respected, the acquisition for the benefit of public at large cannot be viewed lightly and the acquisition proceedings be quashed on that ground.

6. I have given my anxious consideration to the submissions made by the learned senior counsel and the learned Advocate General and have perused the material on record.

7. The afore-narrated facts, dates and link in the chain of events are all a matter of record. It would suffice if the narration would commence from the project report of KWIN city. The project report which envisaged the KWIN city encompassing three Taluks in Bangalore Rural District was to be spreading over approximately 4779 acres. Notification to that effect comes to be issued on 28-11-2024 seeking declaration of lands to be acquired for the aforesaid purpose as industrial area. The preliminary notification then springs on 28-11-2024 as obtaining under Section 28(1) of the Act seeking to acquire 4779 acres of land. The preliminary notification reads as follows:

“1966ರ ಕರ್ನಾಟಕ ಕೈಗಾರಿಕಾ ಪ್ರದೇಶಾಭಿವೃದ್ಧಿ ಕಾಯ್ದೆಯ ವಿಧಿ 28(1)ರ ಮೇರೆಗೆ

ಕೆಳಕಂಡ ಷೆಡ್ಯೂಲ್‌ನಲ್ಲಿ ನಮೂದಿಸಿರುವ ಜಮೀನುಗಳು ಕೈಗಾರಿಕಾ ಪ್ರದೇಶದ ಸ್ಥಾಪನೆಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯ ಸರ್ಕಾರಕ್ಕೆ ಬೇಕಾಗಿದೆ.

1966ರ ಕರ್ನಾಟಕ ಕೈಗಾರಿಕಾ ಪ್ರದೇಶಾಭಿವೃದ್ಧಿ ಕಾಯ್ದೆಯ ವಿಧಿ 28(1) (1966ರ 18ನೇ ನಂ.ಕಾಯ್ದೆಯ) ಪ್ರಕಾರ ದತ್ತವಾದ ಅಧಿಕಾರದ ಮೇರೆಗೆ ಸದರಿ ಜಮೀನುಗಳನ್ನು ಸ್ವಾಧೀನ ಪಡಿಸಿಕೊಳ್ಳುವ ಉದ್ದೇಶದಿಂದ ಈ ಅಧಿಸೂಚನೆ ಪ್ರಕಟಿಸಲಾಗಿದೆ.

ಮೇಲ್ಕಂಡ ಕಾಯ್ದೆಯ ವಿಧಿ 35ರ ಮೇರೆಗೆ ಕೆಲಸ ನಿರ್ವಹಿಸಲು ಈ ಜಮೀನುಗಳಿಗೆ ಪ್ರವೇಶಿಸುವ ಯಾವುದೇ ವ್ಯಕ್ತಿಯನ್ನು ತಡೆಯುವುದಾಗಲೀ ಅಥವಾ ಅಡ್ಡಿ ಪಡಿಸುವುದಾಗಲೀ ಮಾಡಕೂಡದೆಂದು ಈ ಜಮೀನುಗಳಲ್ಲಿ ಆಸಕ್ತಿ ಹೊಂದಿರುವ ಎಲ್ಲಾ ವ್ಯಕ್ತಿಗಳಿಗೂ ಈ ಮೂಲಕ ಎಚ್ಚರಿಸಲಾಗಿದೆ.

ಈ ಅಧಿಸೂಚನೆ ಪ್ರಕಟಣೆಯಾಗಿರುವ ತಾರೀಖಿನ ನಂತರ ಬೆಂಗಳೂರು ವಿಭಾಗದ ಕರ್ನಾಟಕ ಕೈಗಾರಿಕಾ ಪ್ರದೇಶಾಭಿವೃದ್ಧಿ ಮಂಡಳಿಯ ವಿಶೇಷ ಭೂಸ್ವಾಧೀನಾಧಿಕಾರಿಯವರ ಅನುಮತಿಯಿಲ್ಲದೆ ಸದರಿ ಜಮೀನುಗಳನ್ನು ವಿಲೆ ಮಾಡಲು ಒಪ್ಪಂದ ಕ್ರಯ, ಭೋಗ್ಯ ಲೀಸ್, ಅದಲು-ಬದಲು ವಗೈರೆ ಮಾಡುವಂತಿಲ್ಲ ಮತ್ತು ಸದರಿ ಜಮೀನುಗಳಲ್ಲಿ ಈ ಅಧಿಸೂಚನೆ ಪ್ರಕಟಣೆ ನಂತರ ಕಟ್ಟಡಗಳ ನಿರ್ಮಾಣ ಮತ್ತಿತರ ಅಭಿವೃದ್ಧಿ ಕೆಲಸಗಳನ್ನು ಮಾಡುವಂತಿಲ್ಲ. ಒಂದು ವೇಳೆ ಮಾಡಿದರೂ 1894ರ ಭೂಸ್ವಾಧೀನ ಕಾಯ್ದೆ ವಿಧಿ 24 (ನಿಯಮ 7) ಕರ್ನಾಟಕ ತಿದ್ದುಪಡಿ ಮಾಡಿರುವ ಕಾಯ್ದೆ 17:1961 ಮತ್ತು 1966ರ ಕರ್ನಾಟಕ ಕೈಗಾರಿಕಾ ಪ್ರದೇಶಾಭಿವೃದ್ಧಿ ಕಾಯ್ದೆ ವಿಧಿ 30ನ್ನು ಓದಿಕೊಳ್ಳುವ ಮೇರೆ ಪರಿಹಾರಧನ ನಿಗದಿ ಮಾಡುವಾಗ ಈ ಅಂಶಗಳನ್ನು ಗಣನೆಗೆ ತೆಗೆದುಕೊಳ್ಳಲಾಗುವುದಿಲ್ಲ ಮತ್ತು ಅಂತಿಮವಾಗಿ ಜಮೀನುಗಳನ್ನು ಸ್ವಾಧೀನ ಪಡಿಸಿಕೊಳ್ಳಲಾಗುವುದು.”

Notices are issued to the landowners as obtaining under Section 28(2) of the Act. Objections are filed by the landowners i.e., these petitioners. The objections assume certain significance. Therefore, it is necessary to notice the objections in its entirety. It reads as follows:

“ಇವರಿಗೆ,

ವಿಶೇಷ ಜಿಲ್ಲಾಧಿಕಾರಿಗಳು (ಭೂಸ್ವಾಧೀನ)

ಕರ್ನಾಟಕ ಕೈಗಾರಿಕಾ ಅಭಿವೃದ್ಧಿ ಮಂಡಳಿ

ಖನಿಜ ಭವನ,

ಬೆಂಗಳೂರು- 560001

ವಿಷಯ:- "ಬೆಂಗಳೂರು ಗ್ರಾಮಾಂತರ ಜಿಲ್ಲೆ ನೆಲಮಂಗಲ ತಾಲೂಕು ತ್ಯಾಮಗೊಂಡ್ಲು ಹೋಬಳಿ, ಬಳ್ಳಗೆರೆ ಗ್ರಾಮದಲ್ಲಿ ಕೈಗಾರಿಕೆ ಸ್ಥಾಪಿಸಿ, ಉದ್ಯೋಗಕ್ಕಾಗಿ ಫಲವತ್ತಾದ ಕೃಷಿ ಜಮೀನುಗಳನ್ನು ಸ್ವಾಧೀನ ಪಡಿಸಿಕೊಳ್ಳುವ ಸರ್ಕಾರದ ಪ್ರಕ್ರಿಯೆಯನ್ನು ಕೈ ಬಿಡುವಂತೆ ಮನವಿ".

ಸ್ವಾಮಿ,

ಈ ಮೇಲ್ಕಂಡ ವಿಷಯಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟಂತೆ ಬಳ್ಳಗೆರೆ ಗ್ರಾಮ ವಾಸಿಯಾದ ಬಿ ಎಚ್ ರಾಜು, ಸನ್ ಆಫ್ ಲೇಟ್ ಗಿರಿಯಮ್ಮ ಬರೆದುಕೊಂಡ ಮನವಿ ಏನಂದರೆ ಈ ಮೇಲ್ಕಂಡ ಗ್ರಾಮದ ಸರ್ವೆ ನಂ 51/5 ಮತ್ತು ಸರ್ವೆ

50ರಲ್ಲಿ ಗಿರಿಯಮ್ಮ ನವರ ಹೆಸರಿನಲ್ಲಿ ಈ ಜಮೀನಿನ ಖಾತೆಯು ದಾಖಲಾಗಿದ್ದು ಇವರು ದಿನಾಂಕ: 22/10/2005 ರಂದು ಮರಣ ಹೊಂದಿರುತ್ತಾರೆ, ಅವರ ಮಕ್ಕಳಾದ ನಾವು ಸುಮಾರು ವರ್ಷಗಳಿಂದಲೂ ಕೃಷಿ ಜಮೀನುಗಳಲ್ಲಿ ವ್ಯವಸಾಯ ಮಾಡಿಕೊಂಡು ಬರುತ್ತಿದ್ದು, ಈ ಭೂಮಿಯಲ್ಲಿ ಜೀವನ ಸಾಗಿಸುತ್ತಿದ್ದೇವೆ. ಈ ಭೂಮಿ ಕೃಷಿಗೆ ಫಲವತ್ತಾದ ಭೂಮಿಯಾಗಿದ್ದು, ಬೇಸಾಯ ಮಾಡಿಕೊಂಡು ಬರುತ್ತಿದ್ದೇವೆ. ಈ ಜಮೀನಿನಲ್ಲಿ ಪುರಾತನ ಕಾಲದಿಂದಲೂ ಶ್ರೀ ಮುನೇಶ್ವರ ಸ್ವಾಮಿ ದೇವಸ್ಥಾನವಿದ್ದು ಇಡೀ ಕುಟುಂಬಸ್ಥರು ಈ ದೇವರಿಗೆ ಪೂಜೆ ಸಲ್ಲಿಸಿಕೊಂಡು ಬರುತ್ತಿದ್ದೇವೆ ಹಾಗೂ ಸರ್ವೆ ನಂ 50 ರ ಜಮೀನಿನಲ್ಲಿ, ಒಂದು ವಾಸದ ಮನೆ ಮತ್ತು ಹಸುಗಳ ಕೊಟ್ಟಿಗೆ ಇದ್ದು ಈ ಜಮೀನಿನ ಎಲ್ಲಾ ಕುಟುಂಬಸ್ಥರು ಸಣ್ಣ ಸಣ್ಣ ಗುಂಟೆಗಳನ್ನಾಗಿ ವಿಂಗಡಿಸಿ ಜೀವನ ಸಾಗಿಸಿಕೊಂಡು ಬರುತ್ತಿದ್ದೇವೆ. ಇಂತಹ ಫಲವತ್ತಾದ ಕೃಷಿ ಭೂಮಿಯಲ್ಲಿ, ವಾಣಿಜ್ಯ ಬೆಳೆಗಳಾದ ತೆಂಗು, ಅಡಿಕೆ ಹಾಗೂ ಇತರ ಬೆಳೆಗಳನ್ನು ಬೆಳೆಯುತ್ತಿದ್ದೇವೆ. ಇಂತಹ ಭೂಮಿಯನ್ನು ಮಾನ್ಯ ಭೂಸ್ವಾಧೀನ ಅಧಿಕಾರಿಗಳ ಆದೇಶ ಸಂಖ್ಯೆ:K.I.A.D.B/ಎಲ್ ಕೂ ಬೆ, ಗ್ರಾ, ನ/756/24-25ರ ಮೇರೆಗೆ ನಕ್ಷೆ ತಯಾರಿಸಿದ್ದು, ತಯಾರಿಸಿದ ನಕ್ಷೆ ಅಷ್ಟು ಸಮಂಜಸವಾಗಿರುವುದಿಲ್ಲ. ಇದು ಕೆಲವು ಮಧ್ಯವರ್ತಿಗಳು ಸೇರಿ ಮಾಡಿಕೊಂಡ ಹಾವಳಿ ಎಂದು ಕಂಡುಬರುತ್ತಿದೆ.

ಈ ನಕ್ಷೆ ನೋಡಿದರೆ, ಉರಿನಿಂದ ದೂರವಿರುವ ಖಾಲಿ ಭೂಮಿಯನ್ನು ಬಿಟ್ಟು, ಉರಿಗೆ ಹತ್ತಿರವಿರುವ ಫಲವತ್ತಾದ ಕೃಷಿ ಜಮೀನನ್ನು ಗುರುತು ಮಾಡಿರುತ್ತಾರೆ. ಇದು ನಿಮಗೆ ಬೇಕಾದ ರೈತರಿಗೆ ಬಿಟ್ಟಿರುತ್ತೀರಾ ಎಂದು ತಿಳಿದುಬರುತ್ತದೆ. ಹಾಗೂ ನಮ್ಮ ಮಕ್ಕಳ ಭವಿಷ್ಯದ ಬಗ್ಗೆ ಆಗಲಿ ಈ ನಾಡಿನ ಜನರ ಮತ್ತು ರೈತರ ಬಗ್ಗೆ, ಆಗಲಿ, ಸರ್ಕಾರಕ್ಕೆ ಯಾವುದೇ ಚಿಂತೆ ಇಲ್ಲ, ಮುಖ್ಯವಾಗಿ ಮಾಲಿನ್ಯ ಮತ್ತು ಪರಿಸರದ ಬಗ್ಗೆ ಕಾಳಜಿ ಇಲ್ಲವೆಂದು ತಿಳಿದು ಬರುತ್ತಿದೆ. ಹಾಗೂ ಭೂಸ್ವಾಧೀನ ಮಾಡಲು ಕೆ ಐ ಎ ಡಿ ಬಿ ಅವರು ಬಳ್ಳಗೆರೆ ಗ್ರಾಮದಲ್ಲಿ ನಕ್ಷೆ ತಯಾರಿಸಿರುತ್ತಾರೆ ಆದ್ದರಿಂದ ದಯವಿಟ್ಟು, ನಮ್ಮ ಜಮೀನಿನನ್ನು ಭೂಸ್ವಾಧೀನ ಮಾಡಿಕೊಳ್ಳಲು ಬಿಡುವುದಿಲ್ಲವೆಂದು ಈ ಮೇಲ್ಕಂಡ ಸರ್ಕಾರದ ಭೂಸ್ವಾಧೀನ ಪ್ರಕ್ರಿಯೆಯನ್ನು ಕೈಬಿಡುವಂತೆ ತಮ್ಮಲ್ಲಿ ಮನವಿ ಮಾಡಿಕೊಳ್ಳುತ್ತಿದ್ದೇವೆ.

ಧನ್ಯವಾದಗಳೊಂದಿಗೆ.

ಸ್ಥಳ: ಬಳ್ಳಗೆರೆ,

ದಿನಾಂಕ : 08/11/2024

ತಮ್ಮ ವಿಶ್ವಾಸಿ,

ಸಹಿ/-"

On the objections, the Special Land Acquisition Officer passes orders under Section 28(3) of the Act on 21-03-2025, claiming to be considering the objections. It reads as follows:

“ಮೇಲ್ಕಂಡ, ಆಕ್ಷೇಪಣೆಗಳನ್ನು ಕೂಲಂಕಷವಾಗಿ ಪರಿಶೀಲನೆ ಮಾಡಲಾಗಿರುತ್ತದೆ. ಜಂಟಿ ಮೋಜಿಣಿ ನಕ್ಷೆ, ತಾಜ್ಜಿ ಹಾಗೂ ವರದಿಗಳನ್ನು ಪಡೆಯಲಾಗಿದೆ. ಭೂಸ್ವಾಧೀನಕ್ಕೆ ಪ್ರಸ್ತಾಪಿಸಿರುವ ಸರ್ವೆ ನಂಬರ್ ಜಮೀನುಗಳು ಕೈಗಾರಿಕಾ ಪ್ರದೇಶದ ಸ್ಥಾಪನೆಗೆ ಪೂರಕವಾಗಿರುತ್ತದೆ. ಭೂಸ್ವಾಧೀನದ ಉದ್ದೇಶವು ಸಾರ್ವಜನಿಕ ಉದ್ದೇಶವಾಗಿದ್ದು, ಕೈಗಾರಿಕೆಯ, ಅಭಿವೃದ್ಧಿಯಿಂದಾಗಿ ಸ್ಥಳೀಯರಿಗೆ ಉದ್ಯೋಗಾವಕಾಶಗಳು ದೊರೆಯುವುದರೊಂದಿಗೆ ಆರ್ಥಿಕ ಅಭಿವೃದ್ಧಿಗೆ ಪೂರಕವಾಗಿರುತ್ತದೆ. ಭೂಸ್ವಾಧೀನಕ್ಕೆ ಪ್ರಸ್ತಾಪಿಸಿರುವ ಸರ್ವೆ ನಂಬರ್ ಜಮೀನುಗಳು ಬೆಂಗಳೂರು ನಗರದಿಂದ ಸುಮಾರು 45 ಕಿ.ಮೀ. ದೂರದಲ್ಲಿರುತ್ತದೆ. ಭಾಗಶಃ ಸರ್ವೆ ನಂಬರ್‌ಗಳಲ್ಲಿ ಯಾವುದೇ ಬೆಳೆಯನ್ನು ಬೆಳೆಯದೇ ಇರುವ ಖುಷಿ ಜಮೀನುಗಳಾಗಿದ್ದು, ಈ ಜಮೀನುಗಳ ಪ್ರದೇಶದಲ್ಲಿ ನೀರಿನ ಸೌಲಭ್ಯ ತೀರ ಕಡಿಮೆಯಾಗಿದ್ದು, ಅಂತರ್ಜಲದ ಮಟ್ಟ ತೀರಾ ಕುಸಿದಿರುತ್ತದೆ, ಸುಮಾರು 1500 ಅಡಿಗಳಷ್ಟು ಕೊಳವೆಬಾವಿಯನ್ನು ಕೊರೆದರೂ ಸಹ ನೀರು ಅತ್ಯಲ್ಪ ಪ್ರಮಾಣದ ನೀರು ದೊರೆಯುತ್ತದೆ. ಕೆಲವು ಸರ್ವೆ ನಂಬರ್ ಭೂಮಾಲೀಕರುಗಳು ಬೋರ್‌ವೆಲ್ ಸಂಪರ್ಕದಿಂದ ತರಕಾರಿ ಬೆಳೆಗಳನ್ನು ಬೆಳೆದಿರುವುದು ಕಂಡುಬರುತ್ತದೆ. ಶೇ90 ರಷ್ಟು ಭೂಮಿಯು ಮಳೆಯ ಆಶ್ರಿತ ಬೆಳೆಯನ್ನು ಬೆಳೆಯುವ ಭೂಮಿಯಾಗಿರುತ್ತದೆ. ಮೇಲ್ಕಂಡ ಸರ್ವೆ ನಂಬರ್ ಜಮೀನುಗಳ ಪೈಕಿ ಕೆಲವು ಭೂಮಾಲೀಕರುಗಳು ಭೂಸ್ವಾಧೀನಕ್ಕೆ ತಮ್ಮ ಒಪ್ಪಿಗೆ ಇರುವುದಾಗಿಯೂ ಕೆಲವು ಭೂಮಾಲೀಕರುಗಳು ಹೆಚ್ಚಿನ ಭೂಪರಿಹಾರವನ್ನು ನೀಡಿದಲ್ಲಿ ಭೂಸ್ವಾಧೀನಕ್ಕೆ ಒಪ್ಪಿಗೆ ಇರುವುದಾಗಿ ತಿಳಿಸಿರುತ್ತಾರೆ. ಆದರೆ ಕೆಲವು ಭೂಮಾಲೀಕರುಗಳು ವಿಚಾರಣೆಗೆ ಗೈರು ಹಾಜರಾಗಿರುತ್ತಾರೆ ಮತ್ತು ಯಾವುದೇ ಆಕ್ಷೇಪಣೆಗಳನ್ನು ಸಲ್ಲಿಸಿರುವುದಿಲ್ಲ. ಅಂತಹವರ ಭೂಸ್ವಾಧೀನಕ್ಕೆ ಯಾವುದೇ ಆಕ್ಷೇಪಣೆ ಇಲ್ಲವೆಂದು ಪರಿಗಣಿಸಲಾಗಿರುತ್ತದೆ.

ಭೂಸ್ವಾಧೀನಕ್ಕೆ ಒಳಪಡುವ ಜಮೀನುಗಳಿಗೆ ಸರ್ಕಾರವು ಮಾರ್ಗಸೂಚಿ ದರ, ಕ್ರಯದ ವಹಿವಾಟುಗಳನ್ನು ಪರಿಶೀಲಿಸಿ ಸೂಕ್ತವಾದ ಭೂಪರಿಹಾರವನ್ನು ನಿಗದಿಪಡಿಸಿ ನೀಡುವುದಲ್ಲದೇ, ಭೂಮಿಯನ್ನು ಕಳೆದುಕೊಳ್ಳುವ ಭೂಮಾಲೀಕರ ಕುಟುಂಬದ ಸದಸ್ಯರುಗಳಿಗೆ ಸ್ಥಳೀಯವಾಗಿ ಪ್ರಾರಂಭವಾಗುವ ಕೈಗಾರಿಕೆಗಳಲ್ಲಿ ಅವರವರ ವಿದ್ಯಾಭ್ಯಾಸಕ್ಕೆ ತಕ್ಕಂತೆ ಉದ್ಯೋಗಾವಕಾಶಗಳನ್ನು ಕಲ್ಪಿಸಲು ಕ್ರಮ ಜರುಗಿಸಲಾಗುವುದು. ಒಂದು ಪಕ್ಷ ಭೂಪರಿಹಾರವನ್ನು ಪಡೆಯದೇ ತಮಗೆ ಭೂಪರಿಹಾರದ ಬದಲು ಅಭಿವೃದ್ಧಿಪಡಿಸಿದ ಜಾಗವನ್ನು ಕೋರಿದ್ದಲ್ಲಿ, ಸರ್ಕಾರದ ಅಧಿಸೂಚನೆ ಸಂಖ್ಯೆ ಸಿಎ 417 ಎಸ್‌ಪಿಕ್ಯೂ 2007 ದಿನಾಂಕ 13.08.2007 ಸಂಖ್ಯೆ ಸಿಎ 495 ಎಸ್‌ಪಿಕ್ಯೂ 2008 ದಿನಾಂಕ 13.05.2010 ಮತ್ತು ಇತ್ತೀಚಿನ ಅಧಿಸೂಚನೆ ಸಂಖ್ಯೆ: 103 ಎಸ್‌ಪಿಕ್ಯೂ (ಇ) 2019 ದಿನಾಂಕ 23.02.2021 ರಂತೆ ಗುಂಟೆಗಿಂತ ಕಡಿಮೆ ಬರುವ ಜಮೀನಿಗೆ ಭೂಪರಿಹಾರದ ರೂಪದಲ್ಲಿ ಹಾಗೂ 10 ಗುಂಟೆ ನಂತರದ ದತ್ತಾಂಶದ ಜಮೀನಿಗೆ ಅಂದರೆ, ಎಕರೆ ಒಂದಕ್ಕೆ 10781 ಚ.ಅಡಿಗಳ ಅಭಿವೃದ್ಧಿಪಡಿಸಿದ ಜಾಗವನ್ನು ಹಂಚಿಕೆ ಮಾಡಲು ರಹ ಇರುತ್ತದೆ. ಭೂಸ್ವಾಧೀನಕ್ಕೆ ಒಳಪಟ್ಟ ಜಮೀನಿನ ಭೂಪರಿಹಾರವನ್ನು ನೇರವಾಗಿ ಖಾತೆದಾರರು ಹೊಂದಿರುವ ಬ್ಯಾಂಕಿನ ಖಾತೆಗೆ RTGS ಮುಖಾಂತರ ವರ್ಗಾವಣೆ ಮಾಡಲಾಗುವುದು. ಭೂಪರಿಹಾರ ಪಡೆದ ಭೂಮಾಲೀಕರು ಕರ್ನಾಟಕದ ವ್ಯಾಪ್ತಿಯಲ್ಲಿ ಬೇರೆ ಕಡೆಯಲ್ಲಿ ಜಮೀನನ್ನು / ನಿವೇಶನಗಳನ್ನು ಖರೀದಿ ಮಾಡಲು ಇಚ್ಛಿಸಿದ್ದಲ್ಲಿ ಅಂತಹ ಪ್ರಕರಣಗಳಲ್ಲಿ ನೋಂದಣಿ ಸಮಯದಲ್ಲಿ

ಸರ್ಕಾರವು ನಿಗದಿಪಡಿಸಿರುವ ಮುದ್ರಾಂಕ ಶುಲ್ಕ ಶೇ.100 ರಷ್ಟು ರಿಯಾಯಿತಿಯನ್ನು ಸರ್ಕಾರದ ಸಂಖ್ಯೆ: ಕಂಇ 73 ಮುನೋಮು 2011 ದಿನಾಂಕ 29.03.2011 ಮತ್ತು ಸಂಖ್ಯೆ: ಕಂಇ 71 ಮುನೋಮು 2014 ದಿನಾಂಕ **10.02.2016** ರಲ್ಲಿ ನಮೂದಿಸಿರುವ ಷರತ್ತುಗಳಿಗೆ ಒಳಪಡಿಸಿ ನೀಡಲಾಗುವುದು. ಭೂಸ್ವಾಧೀನಕ್ಕೆ ಒಳಪಡುವ ಜಮೀನುಗಳಲ್ಲಿ ಇರುವ ತೋಟಗಾರಿಕೆ ಬೆಳೆಗಳು, ಅರಣ್ಯ ಇಲಾಖೆ ಮರಗಳು, ಕಟ್ಟಡ ವಿದ್ಯುತ್‌ಸೌಕರ್ಯಗಳಿಗೆ ಸಂಬಂಧಪಟ್ಟ ಇಲಾಖೆಯಿಂದ ಮೌಲ್ಯಮಾಪನ ಮಾಡಿಸಿ, ಮೌಲ್ಯಮಾಪನ ವರದಿಯಂತೆ ಪರಿಹಾರ ವಿತರಿಸಲು ಕ್ರಮ ವಹಿಸಲಾಗುತ್ತದೆ. ಭೂಸ್ವಾಧೀನಕ್ಕೆ ಒಳಪಡುವ ಜಮೀನುಗಳಿಗೆ ಸಂಬಂಧಪಟ್ಟ ಪ್ರಾರಂಭಿಕ ಅಧಿಸೂಚನೆಯ ಪ್ರಕಟವಾದ ದಿನಾಂಕದ ಹಿಂದಿನ ದಿನಾಂಕಗಳಂದು ಆಗಿರುವ ವಹಿವಾಟುಗಳು, ಹೆಸರು ಬದಲಾವಣೆಗಳ ಬಗ್ಗೆ ಆರ್.ಟಿ.ಸಿ.ಗಳನ್ನು ಪರಿಶೀಲಿಸಿ, ಅಂತಹ ಬದಲಾವಣೆಗಳು ಇದ್ದರೆ ಜಿ.ಎಂ.ಸಿ.ಯನ್ನು ತಾಳೆ ಮಾಡಿಕೊಂಡು, ಆರ್.ಟಿ.ಸಿ.ಯಲ್ಲಿನ ಹೆಸರುಗಳನ್ನು ಅಂತಿಮ ಅಧಿಸೂಚನೆ ಪ್ರಸ್ತಾವನೆಯಲ್ಲಿ ಸೇರ್ಪಡೆ ಮಾಡತಕ್ಕದ್ದು ಹಾಗೂ ಯಾವುದೇ ಕಾರಣಕ್ಕೂ ಮುಂದೆ ತಿದ್ದುಪಡಿ ಅಧಿಸೂಚನೆಗಳನ್ನು ಹೊರಡಿಸಲು ಅನುವು ಮಾಡಿಕೊಡಬಾರದು.

ಭೂಸ್ವಾಧೀನಕ್ಕೆ ಒಳಪಟ್ಟ ಕೆಲವು ಸರ್ಕಾರಿ ಜಮೀನುಗಳಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ಸಂಬಂಧಪಟ್ಟ ಜಿಲ್ಲಾಧಿಕಾರಿಗಳ ನ್ಯಾಯಾಲಯದಲ್ಲಿ ಭೂಕಂದಾಯ ಕಾಯ್ದೆ 1964 ಕಲಂ 136(3)ರಡಿ ಪ್ರಕರಣಗಳು ದಾಖಲಾಗಿದೆಯೇ ಎಂಬುದರ ಬಗ್ಗೆ ಮಾಹಿತಿಯನ್ನು ಪಡೆದು ಹಾಗೂ ಅಂತಹ ಪ್ರಕರಣಗಳಲ್ಲಿ ನೈಜ ಭೂಮಾಲೀಕರು ಯಾರು ಎಂಬುದರ ಬಗ್ಗೆ ಸಂಬಂಧಪಟ್ಟ ಜಿಲ್ಲಾಧಿಕಾರಿ/ತಹಶೀಲ್ದಾರ್ ರವರಿಂದ ನೈಜತೆ ವರದಿಯನ್ನು ಪಡೆದು ಪರಿಶೀಲಿಸಿ ಭೂಪರಿಹಾರ ಪಾವತಿಸಲು ಕ್ರಮವಹಿಸಬೇಕಾಗಿರುತ್ತದೆ.

ಮೇಲ್ಕಂಡ ಜಮೀನುಗಳ ಭೂಮಾಲೀಕರಿಗೆ ಭೂಪರಿಹಾರ ವಿತರಣೆ ಮಾಡುವ ಮೊದಲು, ಜಿ.ಎಂ.ಸಿ ಕಾರ್ಯನಿರ್ವಹಿಸುವ ಷರತ್ತಿಗೆ ಒಳಪಡಿಸಿ ಕಲಂ 28(4)ರ ಕರಡು ಪ್ರಸ್ತಾವನೆ ಸಲ್ಲಿಸಲು ಆದೇಶಿಸಿದೆ.

ಈ ಆದೇಶವನ್ನು ಕೆ.ಐ.ಎ.ಡಿ. (ತಿದ್ದುಪಡಿ) ನಿಯಮಗಳು 1983ರ 14ನೇ ನಿಯಮದೊಂದಿಗೆ ಬದಲಾದ ಕೆ.ಐ.ಎ.ಡಿ ಕಾಯ್ದೆ 1966ರ ವಿಧಿ 28(3)ನೇ ಪ್ರಕರಣದ ಅನ್ವಯ ನನಗೆ ದತ್ತವಾದ ಅಧಿಕಾರವನ್ನು ಚಲಾಯಿಸಿ ಈ ಆದೇಶವನ್ನು ಹೊರಡಿಸಿದೆ.

ಈ ಆದೇಶವನ್ನು ಗಣಕಯಂತ್ರಕಾರರಿಗೆ ಉತ್ತರೇಖನ ನೀಡಿ, ಗಣಕೀಕರಣ ಮಾಡಿಸಿ ಪರಿಶೀಲಿಸಿ, ತಪ್ಪುಗಳನ್ನು ತಿದ್ದಿ ದಿನಾಂಕ: 21.03.2025 ರಂದು ತೆರೆದ ನ್ಯಾಯಾಲಯದಲ್ಲಿ ಘೋಷಿಸಿದೆ.”

The final notification then springs under Section 28(4) of the Act.

The preamble to the notification reads as follows:

"1966ರ ಕರ್ನಾಟಕ ಕೈಗಾರಿಕಾ ಪ್ರದೇಶಾಭಿವೃದ್ಧಿ ಕಾಯ್ದೆಯ ವಿಧಿ 28(4)ರ ಅಧಿಸೂಚನೆ

1966ರ ಕರ್ನಾಟಕ ಕೈಗಾರಿಕಾ ಪ್ರದೇಶಾಭಿವೃದ್ಧಿ ಕಾಯ್ದೆಯ (1966ರ ಕರ್ನಾಟಕ ಕಾಯ್ದೆ ಸಂಖ್ಯೆ 18) ವಿಧಿ 28(1)ರ ಪ್ರಕಾರ ದತ್ತವಾದ ಅಧಿಕಾರದ ಮೇರೆಗೆ ದಿನಾಂಕ: 30.11.2024ರ ಅಧಿಸೂಚನೆ, ಕರ್ನಾಟಕ ವಿಶೇಷ ರಾಜ್ಯ ಪತ್ರ ಭಾಗ-3 ರ ವಿಶೇಷ ಪತ್ರಿಕೆ ಪುಟ ಸಂಖ್ಯೆ 9012 ರಿಂದ 9049 ರಲ್ಲಿ ಪ್ರಕಟವಾಗಿರುವ ಅಧಿಸೂಚನೆ ಸಂಖ್ಯೆ: ಸಿಐ 155 ಎಸ್.ಪಿ.ಕ್ಯೂ 2024ದಿನಾಂಕ 28.11.2024ರ ಭೂಸ್ವಾಧೀನಕ್ಕೆ ಒಳಪಟ್ಟ ಪ್ರದೇಶದ ಪ್ರಕಾರ ಸರ್ಕಾರ ಸದರಿ ಅಧಿಸೂಚನೆಯಲ್ಲಿ ನಮೂದಿಸಲ್ಪಟ್ಟಿರುವ ಜಮೀನುಗಳನ್ನು ಕೈಗಾರಿಕಾ ಪ್ರದೇಶದ ಸ್ಥಾಪನೆಗಾಗಿ ಸ್ವಾಧೀನಪಡಿಸಿಕೊಳ್ಳಲು ಇಚ್ಛೆಪಟ್ಟಿದೆ.

ಮೇಲ್ಕಂಡ ಅಧಿಸೂಚನೆಯ ಷೆಡ್ಯೂಲ್‌ನಲ್ಲಿ ನಮೂದಿಸಲ್ಪಟ್ಟಿರುವ ಜಮೀನುಗಳನ್ನು ಪ್ರಕಟಿಸಲಾಗಿರುವ ಉದ್ದೇಶಕ್ಕಾಗಿ ಭೂಸ್ವಾಧೀನ ಪಡಿಸಿಕೊಳ್ಳಬೇಕಾಗಿರುವುದು ಕರ್ನಾಟಕ ಸರ್ಕಾರಕ್ಕೆ, ಮನದಟ್ಟಾಗಿದೆ. ಈ ಬಗ್ಗೆ ಈ ಬಗ್ಗೆ ಮೇಲ್ಕಂಡ ಕಾಯ್ದೆ ವಿಧಿ 28(3)ರ ಪ್ರಕಾರ ಆದೇಶ ಹೊರಡಿಸಲಾಗಿದೆ.

ಆದುದರಿಂದ 1966 ರ ಕರ್ನಾಟಕ ಕೈಗಾರಿಕಾ ಪ್ರದೇಶಾಭಿವೃದ್ಧಿ ಕಾಯ್ದೆ ವಿಧಿ 28(4)ರ (1966ರ ಕರ್ನಾಟಕ ಕಾಯ್ದೆ ಸಂಖ್ಯೆ: 18)ರ ಮೇರೆಗೆ ದತ್ತವಾದ ಅಧಿಕಾರದ ಮೇರೆಗೆ ಕರ್ನಾಟಕ ಸರ್ಕಾರ ಕೆಳಗೆ ನಮೂದಿಸಿರುವ ಜಮೀನುಗಳನ್ನು ಅಧಿಸೂಚನೆಯಲ್ಲಿ ತಿಳಿಸಿರುವ ಉದ್ದೇಶಕ್ಕಾಗಿ ಭೂಸ್ವಾಧೀನಪಡಿಸಿಕೊಳ್ಳಲಾಗಿದೆ ಎಂದು ಈ ಮೂಲಕ ಘೋಷಿಸಲಾಗಿದೆ."

(Emphasis added at each instance)

8.1. If the objections so filed by the landowners are juxtaposed with the order passed by the Special Land Acquisition Officer, it would run foul of the judgment rendered by the Apex Court in the case of **KEDAR NATH YADAV v. STATE OF WEST BENGAL¹**, wherein the Apex Court holds as follows:

"...."

¹ (2017) 11 SCC 601

140. It is apparent from Section 4(2) that after notification is issued it shall be lawful for any officer to enter upon and survey and to do all the acts which are necessary to ascertain whether land is adapted for such purpose. The notification is of exploratory character and it does not proprio motu result in acquisition. The proposal for acquisition in any particular locality ripens into definite proceedings where the Government is satisfied how land is needed for public purpose. Section 4(1) does not require land to be defined or identified but requires locality to be stated so as to file objection under Section 5 of the Act. In the instant case, the Cabinet has taken a decision to acquire the said land beforehand for which a notification has ultimately been issued under Sections 4 followed by declaration under Section 6 of the Act. The right under Section 5-A of the Act is a valuable right has been laid down in various decisions cited at the Bar referred hereinafter.

141. In *Raghubir Singh Sehrawat v. State of Haryana* [*Raghubir Singh Sehrawat v. State of Haryana*, (2012) 1 SCC 792 : (2012) 1 SCC (Civ) 402] it was observed thus: (SCC p. 805, para 39)

"39. In this context, it is necessary to remember that the rules of natural justice have been ingrained in the scheme of Section 5-A with a view to ensure that before any person is deprived of his land by way of compulsory acquisition, he must get an opportunity to oppose the decision of the State Government and/or its agencies/instrumentalities to acquire the particular parcel of land. At the hearing, the objector can make an effort to convince the Land Acquisition Collector to make recommendation against the acquisition of his land. He can also point out that the land proposed to be acquired is not suitable for the purpose specified in the notification issued under Section 4(1). Not only this, he can produce evidence to show that another piece of land is available and the same can be utilised for execution of the particular project or scheme."

142. In *Kamal Trading (P) Ltd. v. State of W.B.* [*Kamal Trading (P) Ltd. v. State of W.B.*, (2012) 2 SCC 25 : (2012) 1 SCC (Civ) 506] it was held thus: (SCC p. 32, para 25)

"25. According to the appellant, the notification under Section 4 of the LA Act was not served on the owner companies. However, upon coming to know of this notification, the appellant vide their letter dated 8-9-1997 submitted objections running into four pages containing 8 paragraphs. We have already noted that the Second Land Acquisition Officer adjourned the hearing on one occasion as requested by the appellant. He, however, refused to adjourn the matter any further. The second request was rejected. We feel that looking to the nature of the issues involved, the Second Land Acquisition Officer could have adjourned the proceedings after putting the appellant to terms because hearing the representative of the owner companies was mandatory. In any event, if he did not want to adjourn the proceedings and wanted to consider the objections in the absence of the counsel for the owner companies and assuming such a course is permissible in law, *he should have dealt with the objections carefully and not in such a light-hearted manner because a heavy responsibility rested on his shoulders.*"

(emphasis supplied)

143. In *Surinder Singh Brar v. Union of India* [*Surinder Singh Brar v. Union of India*, (2013) 1 SCC 403 : (2013) 1 SCC (Civ) 620] it was observed thus: (SCC pp. 451, 455, 457-58 & 460-61, paras 69-70, 76, 84 & 87-89)

"69. In the context of the statement contained in the first line of the paragraph titled "Observations", we repeatedly asked Shri Sudhir Walia, learned counsel assisting Dr Rajeev Dhavan to show as to when the LAO had summoned the revenue records and when he had conducted spot inspection but the learned counsel could not produce any document to substantiate the statement contained in the two reports of the LAO. This leads to an inference that, in both the reports, the LAO had made a misleading and false statement about his having seen the revenue records and conducted spot inspection. That apart, the reports do not contain any iota of consideration of the objections filed by the landowners. ***Mere reproduction of the substance of the objections cannot be equated with objective consideration thereof in the light of the submission made by the objectors during the course of hearing. Thus, the violation of the mandate of Section 5-A(2) is writ***

large on the face of the reports prepared by the LAO.

70. The reason why the LAO did not apply his mind to the objections filed by the appellants and other landowners is obvious. He was a minion in the hierarchy of the administration of the Union Territory of Chandigarh and could not have even thought of making recommendations contrary to what was contained in the letter sent by the Administrator to Surinder Singh Brar. If he had shown the courage of acting independently and made recommendation against the acquisition of land, he would have surely been shifted from that post and his career would have been jeopardised. In the system of governance which we have today, junior officers in the administration cannot even think of, what to say of, acting against the wishes/dictates of their superiors. One who violates this unwritten code of conduct does so at his own peril and is described as foolhardy. Even those constituting higher strata of services follow the path of least resistance and find it most convenient to toe the line of their superiors. Therefore, the LAO cannot be blamed for having acted as an obedient subordinate of the superior authorities, including the Administrator. *However, that cannot be a legitimate ground to approve the reports prepared by him without even a semblance of consideration of the objections filed by the appellants and other landowners and we have no hesitation to hold that the LAO failed to discharge the statutory duty cast upon him to prepare a report after objectively considering the objections filed under Section 5-A(1) and submissions made by the objectors during the course of personal hearing.*

76. Section 5-A, which embodies the most important dimension of the rules of natural justice, lays down that any person interested in any land notified under Section 4(1) may, within 30 days of publication of the notification, submit objection in writing against the proposed acquisition of land or of any land in the locality to the Collector. **The Collector is required to give the objector an opportunity of being heard either in person or by any person authorised by him or by pleader. After hearing the objector(s) and making such further inquiry, as he may think necessary, the Collector has to make a report in respect of land notified under Section 4(1) with his**

recommendations on the objections and forward the same to the Government along with the record of the proceedings held by him. The Collector can make different reports in respect of different parcels of land proposed to be acquired.

84. What needs to be emphasised is that hearing required to be given under Section 5-A(2) to a person who is sought to be deprived of his land and who has filed objections under Section 5-A(1) must be effective and not an empty formality. The Collector who is enjoined with the task of hearing the objectors has the freedom of making further enquiry as he may think necessary. In either eventuality, he has to make report in respect of the land notified under Section 4(1) or make different reports in respect of different parcels of such land to the appropriate Government containing his recommendations on the objections and submit the same to the appropriate Government along with the record of proceedings held by him for the latter's decision. The appropriate Government is obliged to consider the report, if any, made under Section 5-A(2) and then record its satisfaction that the particular land is needed for a public purpose. This exercise culminates into making a declaration that the land is needed for a public purpose and the declaration is to be signed by a Secretary to the Government or some other officer duly authorised to certify its orders. The formation of opinion on the issue of need of land for a public purpose and suitability thereof is sine qua non for issue of a declaration under Section 6(1). Any violation of the substantive right of the landowners and/or other interested persons to file objections or denial of opportunity of personal hearing to the objector(s) vitiates the recommendations made by the Collector and the decision taken by the appropriate Government on such recommendations. **The recommendations made by the Collector without duly considering the objections filed under Section 5-A(1) and submissions made at the hearing given under Section 5-A(2) or failure of the appropriate Government to take objective decision on such objections in the light of the recommendations made by the Collector will denude the decision of the appropriate Government of statutory finality. To put it differently, the satisfaction recorded by the appropriate**

Government that the particular land is needed for a public purpose and the declaration made under Section 6(1) will be devoid of legal sanctity if statutorily engrafted procedural safeguards are not adhered to by the authorities concerned or there is violation of the principles of natural justice. The cases before us are illustrative of flagrant violation of the mandate of Sections 5-A(2) and 6(1). Therefore, the second question is answered in the affirmative.

87. The proposition laid down in the aforementioned two judgments [**Ed.:** The reference appears to be to *Somawanti v. State of Punjab*, AIR 1963 SC 151 and *Ganga Bishnu Swaika v. Calcutta Pinjrapole Society*, AIR 1968 SC 615] does not support the stance of the Chandigarh Administration that even though there is breach of the mandate of Section 5-A read with Section 6(1), the Court cannot, after the issue of declaration under Section 6(1), nullify the acquisition proceedings. As a matter of fact, the ratio of both the judgments is that **satisfaction of the appropriate Government envisaged in Section 6(1) must be preceded by consideration of the report prepared by the Collector after considering the objections filed under Section 5-A and hearing the objectors. This necessarily implies that the Government must objectively apply its mind to the report of the Collector and the objections filed by the landowners and then take a decision whether or not the land is needed for the specified public purpose. A mechanical endorsement of the report of the Collector cannot be a substitute for the requirement of application of mind by the Government which must be clearly reflected in the record.**

88. In addition to what we have observed on the issue of flagrant violation of the two sections, it will be apposite to recapitulate the language of the declarations issued under Section 6(1), which were published on 28-2-2007. A reading of the declarations makes it clear that the authority issuing the same was totally unmindful of the requirement of the statute. This could be the only reason why instead of recording satisfaction of the appropriate Government that the land is needed for a public purpose, the notification uses the expressions "appears to the Administrator" and "likely to be needed". This only adds to

the casualness with which the entire issue of acquisition has been dealt with by the higher functionaries of the Chandigarh Administration.

89. Adverting to the impugned order (*Surinder Singh Brar v. Union of India* [*Surinder Singh Brar v. Union of India*, 2011 SCC OnLine P&H 3647]), we find that the High Court has not examined the substantive grounds on which the appellants had challenged the acquisition of their land with the required seriousness and failed to notice that the LAO had not at all considered several objections including those relating to adverse impact on the environment and ecology of the area raised by the landowners and mechanically recommended the acquisition of land notified under Section 4(1), that the reports of the LAO were not placed before the competent authority and that even the Adviser had not objectively considered the reports of the LAO in the light of the objections filed under Section 5-A(1) and simply appended his signatures on the note prepared by the Secretary (Finance). This omission on the High Court's part has resulted in miscarriage of justice."

(emphasis supplied)

144. In *Gojer Bros. (P) Ltd. v. State of W.B.* [*Gojer Bros. (P) Ltd. v. State of W.B.*, (2013) 16 SCC 660 : (2014) 5 SCC (Civ) 588] this Court observed: (SCC pp. 671, 674 & 675, paras 18, 19 & 21)

"18. In *Surinder Singh Brar v. Union of India* [*Surinder Singh Brar v. Union of India*, (2013) 1 SCC 403 : (2013) 1 SCC (Civ) 620] , this Court extensively considered the report prepared by the Land Acquisition Officer and the decision taken by the administration of the Union Territory of Chandigarh and observed: (SCC p. 450, para 68)

'68. A cursory reading of the reports of the LAO may give an impression that he had applied his mind to the objections filed under Section 5-A(1) and assigned reasons for not entertaining the same, but a careful analysis thereof leaves no doubt that the officer concerned had not at all applied his mind to the objections of the landowners and merely created a facade of doing so. In the opening paragraph under the heading "Observations", the LAO recorded that he had seen

the revenue records and conducted spot inspection. He then reproduced the Statement of Objects and Reasons contained in the Bill which led to the enactment of the Punjab New Capital (Periphery) Control Act, 1952 and proceed to extract some portion of reply dated 31-7-2006 sent by the Administrator to Surinder Singh Brar.'

19. In *Usha Stud and Agricultural Farms (P) Ltd. v. State of Haryana* [*Usha Stud and Agricultural Farms (P) Ltd. v. State of Haryana*, (2013) 4 SCC 210 : (2013) 2 SCC (Civ) 556] , the Court reiterated the propositions laid down in *Raghubir Singh Sehrawat case* [*Raghubir Singh Sehrawat v. State of Haryana*, (2012) 1 SCC 792 : (2012) 1 SCC (Civ) 402] and *Kamal Trading (P) Ltd. v. State of W.B.* [*Kamal Trading (P) Ltd. v. State of W.B.*, (2012) 2 SCC 25 : (2012) 1 SCC (Civ) 506] and observed: (*Usha Stud case* [*Usha Stud and Agricultural Farms (P) Ltd. v. State of Haryana*, (2013) 4 SCC 210 : (2013) 2 SCC (Civ) 556] , SCC p. 227, para 30)

'30. **The ratio of the aforesaid judgments is that Section 5-A(2), which represents statutory embodiment of the rule of audi alteram partem, gives an opportunity to the objector to make an endeavour to convince the Collector that his land is not required for the public purpose specified in the notification issued under Section 4(1) or that there are other valid reasons for not acquiring the same.** That section also makes it obligatory for the Collector to submit report(s) to the appropriate Government containing his recommendations on the objections, together with the record of the proceedings held by him so that the Government may take appropriate decision on the objections. Section 6(1) provides that if the appropriate Government is satisfied, after considering the report, if any, made by the Collector under Section 5-A(2) that particular land is needed for the specified public purpose then a declaration should be made. **This necessarily implies that the State Government is required to apply mind to the report of the Collector and take final decision on the objections filed by the landowners and other interested persons. Then and then only, a declaration can be made under Section 6(1).'**

21. In our view, non-consideration of the objections filed under Section 5-A(1) has resulted in denial of effective opportunity of hearing to the appellant. The manner in which the Joint Secretary to the Government approved the recommendation made by the Land Acquisition Collector favouring acquisition of the property is reflective of total non-application of mind by the competent authority to the recommendation made by the Land Acquisition Collector and the report prepared by him."

145. In *Usha Stud & Agricultural Farms (P) Ltd. v. State of Haryana* [*Usha Stud and Agricultural Farms (P) Ltd. v. State of Haryana*, (2013) 4 SCC 210 : (2013) 2 SCC (Civ) 556] this Court observed: (SCC p. 227, para 30)

"30. The ratio of the aforesaid judgments is that Section 5-A(2), which represents statutory embodiment of the rule of audi alteram partem, gives an opportunity to the objector to make an endeavour to convince the Collector that his land is not required for the public purpose specified in the Notification issued under Section 4(1) or that there are other valid reasons for not acquiring the same. That section also makes it obligatory for the Collector to submit report(s) to the appropriate Government containing his recommendations on the objections, together with the record of the proceedings held by him so that the Government may take appropriate decision on the objections. Section 6(1) provides that if the appropriate Government is satisfied, after considering the report, if any, made by the Collector under Section 5-A(2) that particular land is needed for the specified public purpose then a declaration should be made. This necessarily implies that the State Government is required to apply mind to the report of the Collector and take final decision on the objections filed by the landowners and other interested persons. Then and then only, a declaration can be made under Section 6(1)."

146. In *Sharma Agro Industries v. State of Haryana* [*Sharma Agro Industries v. State of Haryana*, (2015) 3 SCC 341 : (2015) 2 SCC (Civ) 287] , it was observed: (SCC pp. 349-51, paras 14-15)

"14. The Land Acquisition Collector in the present case has recommended to the State Government that the land covered in these civil appeals need not be acquired. On our direction, Mr Manjit Singh, the learned Additional Advocate General representing the State of Haryana has made available the record pertaining to acquisition of the lands involved in these appeals. The following is the relevant translated extract of the recommendations made by the Land Acquisition Collector:

'On 16-1-2003 I visited the spot concerned for the purpose of inspection; with the Kanoongo and Patwari belonging to the Revenue Department. A seller has been established since 1981 in Khasra Nos. 3959, 3960, 3961/1, 3961/2, 3963, 3964, 3965, 3966/1, 3967, 3968 with a total area of 29 bighas 11 biswas. The Government of Haryana, Department of Industry, had also issued a licence to the seller for this industry, and the same is operative till date. An old factory is established in Khasra Nos. 3966/2, 3971/2, with a total area of 1 bigha 11 biswas. Small-scale industry licences established in Khasra Nos. 4000, 4001/2, 4001/1/1, 4001/1/2, 4001/1/3, 4002/1, 4002/2 where old factories along with lantered houses have been constructed. When the land was acquired in 1986 in Sector 3, the abovementioned khasra numbers were excluded from the acquisition process. Hence, the abovementioned land may be released, measuring total of 37 bighas and 13 biswas. The above numbers are left over for acquirement.

sd/-

Land Acquisition Collector, Karnal'

The State Government has neither accepted the recommendations of the Land Acquisition Collector nor assigned any reasons before issuing declaration notification under Section 6 of the Act. The same is sought to be justified by the learned Additional Advocate General contending that it is the prerogative of the Government to either accept or reject the recommendations of the Land Acquisition Collector with respect to the proposed land to be acquired by issuing declaration notification under Section 6 of the Act. This contention of the learned Additional Advocate General is wholly untenable in law in view of the decisions referred to above. However, after advertng to the decisions of this Court in the above case and in the cases referred to supra, the said report of the

Land Acquisition Collector was neither accepted by the Government nor did the Government assign any reasons before issuing the declaration notification by holding that the land is required for public purpose, we are of the view that the acquisition proceedings are vitiated in law.

15. The learned Senior Counsel for the appellants has rightly placed reliance upon the decision of this Court in *Vinod Kumar v. State of Haryana* [*Vinod Kumar v. State of Haryana*, (2014) 3 SCC 203 : (2014) 2 SCC (Civ) 267] , wherein this Court referred to the legal principle laid down in *Women's Education Trust v. State of Haryana* [*Women's Education Trust v. State of Haryana*, (2013) 8 SCC 99 : (2013) 3 SCC (Civ) 721] , and has held as under: (SCC p. 119, para 35)

'35. What is most surprising is that the High Court [*Women Education Trust v. State of Haryana*, 2011 SCC OnLine P&H 1694] did not even deal with the issue relating to application of mind by the Government to the report submitted by the Land Acquisition Collector under Section 5-A(2) along with his recommendations. The documents produced before the High Court and this Court do not show that the State Government had objectively applied mind to the recommendations made by the Land Acquisition Collector and felt satisfied that the land in question deserves to be acquired for the purpose specified in the notification issued under Section 4(1). The record also does not contain any indication as to why the State Government did not consider it proper to accept the recommendations of the Land Acquisition Collector. Therefore, there is no escape from the conclusion that the impugned acquisition is ultra vires the provisions contained in Section 6 of the Act.'

147. In *Vinod Kumar v. State of Haryana* [*Vinod Kumar v. State of Haryana*, (2014) 3 SCC 203 : (2014) 2 SCC (Civ) 267] it was observed thus: (SCC pp. 206-08, paras 10-12 & 14)

"10. In *Kamal Trading (P) Ltd. v. State of W.B.* [*Kamal Trading (P) Ltd. v. State of W.B.*, (2012) 2 SCC 25 : (2012) 1 SCC (Civ) 506] it has been held as under: (SCC pp. 29-30, paras 14-16)

14. It must be borne in mind that the proceedings under the LA Act are based on the principle of eminent domain and Section 5-A is the only protection available to a person whose lands are sought to be acquired. It is a minimal safeguard afforded to him by law to protect himself from arbitrary acquisition by pointing out to the authority concerned, inter alia, that the important ingredient, namely, "public purpose" is absent in the proposed acquisition or the acquisition is mala fide. The LA Act being an expropriatory legislation, its provisions will have to be strictly construed.

15. Hearing contemplated under Section 5-A(2) is necessary to enable the Collector to deal effectively with the objections raised against the proposed acquisition and make a report. The report of the Collector referred to in this provision is not an empty formality because it is required to be placed before the appropriate Government together with the Collector's recommendations and the record of the case. It is only upon receipt of the said report that the Government can take a final decision on the objections. It is pertinent to note that declaration under Section 6 has to be made only after the appropriate Government is satisfied on the consideration of the report, if any, made by the Collector under Section 5-A(2). As said by this Court in Hindustan Petroleum Corpn. Ltd. v. Darius Shapur Chenai [Hindustan Petroleum Corpn. Ltd. v. Darius Shapur Chenai, (2005) 7 SCC 627] the appropriate Government while issuing declaration under Section 6 of the LA Act is required to apply its mind not only to the objections filed by the owner of the land in question, but also to the report which is submitted by the Collector upon making such further inquiry thereon as he thinks necessary and also the recommendations made by him in that behalf.

16. Sub-section (3) of Section 6 of the LA Act makes a declaration under Section 6 conclusive evidence that the land is needed for a public purpose. Formation of opinion by the appropriate Government as regards the public purpose must be preceded by application of mind as regards consideration of relevant factors and rejection of irrelevant ones. It is, therefore, that the hearing

contemplated under Section 5-A and the report made by the Land Acquisition Officer and his recommendations assume importance. It is implicit in this provision that before making declaration under Section 6 of the LA Act, the State Government must have the benefit of a report containing recommendations of the Collector submitted under Section 5-A(2) of the LA Act. The recommendations must indicate objective application of mind.'

11. In *Usha Stud and Agricultural Farms (P) Ltd. v. State of Haryana* [*Usha Stud and Agricultural Farms (P) Ltd. v. State of Haryana*, (2013) 4 SCC 210 : (2013) 2 SCC (Civ) 556] it was held as under: (SCC p. 227, para 30)

'30. ... Section 6(1) provides that if the appropriate Government is satisfied, after considering the report, if any, made by the Collector under Section 5-A(2) that particular land is needed for the specified public purpose then a declaration should be made. **This necessarily implies that the State Government is required to apply mind to the report of the Collector and take final decision on the objections filed by the landowners and other interested persons. Then and then only, a declaration can be made under Section 6(1).'**

12. Further, in *Women's Education Trust v. State of Haryana* [*Women's Education Trust v. State of Haryana*, (2013) 8 SCC 99 : (2013) 3 SCC (Civ) 721] , this Court has held as under: (SCC p. 119, para 35)

'35. What is most surprising is that the High Court did not even deal with the issue relating to application of mind by the Government to the report submitted by the Land Acquisition Collector under Section 5-A(2) along with his recommendations. The documents produced before the High Court and this Court do not show that the State Government had objectively applied mind to the recommendations made by the Land Acquisition Collector and felt satisfied that the land in question deserves to be acquired for the purpose specified in the notification issued under Section 4(1). The record also does not contain any indication as to why the State Government did not consider it proper to accept the recommendations of the Land Acquisition Collector. Therefore, there

is no escape from the conclusion that the impugned acquisition is ultra vires the provisions contained in Section 6 of the Act.'

14. In the light of the foregoing cases, it is evident that the Government has to consider the report of the Land Acquisition Collector while making declaration of acquisition of land under Section 6 of the Act. Further, if the Government is coming to a conclusion which is contrary to the report, then the Government has to provide appropriate reasons for the same."

(emphasis in original)

148. In *Gurbinder Kaur Brar v. Union of India* [*Gurbinder Kaur Brar v. Union of India*, (2013) 11 SCC 228 : (2014) 1 SCC (Civ) 32] it was observed: (SCC p. 234, para 9)

"9. We also agree with the learned counsel for the appellants that the report of the Land Acquisition Officer was vitiated due to total non-application of mind by the officer concerned to a large number of substantive objections raised by the appellants under Section 5-A(1). He mechanically rejected the objections and senior officers of the Chandigarh Administration accepted the report of the Land Acquisition Officer despite the fact that the same had been prepared in violation of Section 5-A(2)."

149. In the instant case, it is apparent from the report that there is no objective consideration of objections at any stage. The inquiry held and the report sent under Section 5-A of the Act was clearly influenced by the decision of the Cabinet taken before issuance of the notification under Section 4 of the Act to acquire land in certain J L numbers in particular mouzas as per the choice of location by TML which has prevailed, whereas in the matter of acquisition of such vast area comparative fertility aspect of chunk of land to be selected ought to have been considered and land which is more or less barren ought to have been preferred, which exercise has not been resorted to. Though the State Government could have taken decision before issuance of the notification under Section 4 for setting up of project, however, it could not have taken decision to acquire particular land in various mouzas before survey is undertaken as authorised by the provisions contained in Section 4 of the Act, the action of the State has the effect of

frustrating very purpose of holding inquiry under Section 5-A. **The inquiry held under Section 5-A is a farce and an eyewash as neither the Collector nor the State Government considered the matter with objectivity as mandated.** Inquiry has not been done with open mind with requisite fairness and they were clearly influenced by decision of the Cabinet. Entire acquisition stands vitiated in the facts and circumstances of the case. The case need not be relegated to the stage of inquiry as project itself has been abandoned."

The Apex Court in terms of the afore-quoted judgment considers the scope of inquiry under Section 5A of the Land Acquisition Act, 1894 and observes that orders passed considering the objections have to bear application of mind and copy-paste orders passed against landowners cannot be countenanced. The Apex Court was following its earlier order in **SURINDER SINGH BRAR v. UNION OF INDIA** reported in **(2013) 1 SCC 403**, wherein the Apex Court had held that mere reproduction of objections cannot be termed as consideration of objections.

8.2. Prior to the judgment of the Apex Court in **KEDAR NATH YADAV**, a coordinate Bench of this Court in **ANIL AMENCHERLA v. THE STATE OF KARNATAKA**², while emphasizing on the

²2013 SCC OnLine Kar 6457

necessity of a well-reasoned order under Section 28(3) of the Act,
has held as follows:

" "

21. **In Re. Question No. 1:** To answer this question, it is necessary to refer to the provisions contained in Section 28(3) of the KIAD Act. The provisions read as follows:

"28. Acquisition of land - (3) After considering the cause, if any, shown by the owner of the land and by any other person interested therein, and after giving such owner and person an opportunity of being heard, the State Government may pass such orders as it deems fit."

22. **The consideration of the petitioners' objections cannot be wished away saying that they are routine objections. Nor can the SLAO be content holding that the objections are over-ruled, because the land is required for the KIADB's purpose for industrial development.**

23. **The word 'consideration' is vividly explained by the Hon'ble Supreme Court in the case of *THE BARIUM CHEMICALS LTD. v. A.J. RANA* reported in AIR 1972 SC 591. The relevant paragraph of the said judgment is extracted hereinbelow:**

"15. The words 'Considers it necessary' postulate that the authority concerned has thought over the matter deliberately and with care and it has been found necessary as a result of such thinking to pass the order. The dictionary meaning of the word 'consider' is 'to view attentively, to survey, examine, inspect (arch), to look attentively, to contemplate mentally, to think over, meditate on, give heed to, take note of, to think deliberately, bethink oneself, to reflect' (vide Shorter Oxford Dictionary). According to Words and Phrases-Permanent Edn: Vol.8-A to 'consider' means to think with care. It is also mentioned that 'to consider' is to fix the mind upon with a view to careful examination; to

ponder; study; meditate upon, think or reflect with care. It is, therefore, manifest that careful thinking or due application of the mind regarding the necessity to obtain and examine the documents in question in sine qua non for the making of the order. If the impugned order were to show that there has been no careful thinking or proper application of the mind as to the necessity of obtaining and examining the documents specified in the order. The essential requisite to the making of the order would be held to be non-existent."

24. **As held by the Apex Court in the case of RAGHBIR SINGH SEHRAWAT v. STATE OF HARYANA** reported in (2012) 1 SCC 792, the Collector is required to consider the land-owners' plea against the acquisition of land. It has this to say in paragraph No. 40 of its judgment:

"40. Though it is neither possible nor desirable to make a list of the grounds on which the landowner can persuade the Collector to make recommendations against the proposed acquisition of land, but what is important is that the Collector should give a fair opportunity of hearing to the objector and objectively consider his plea against the acquisition of land. Only thereafter, he should make recommendations supported by brief reasons as to why the particular piece of land should or should not be acquired and whether or not the plea put forward by the objector merits acceptance. In other words, the recommendations made by the Collector must reflect objective application of mind to the objections filed by the landowners and other interested persons."

25. It is also profitable to refer to the Hon'ble Supreme Court's decision in the case of *KAMAL TRADING PRIVATE LIMITED v. STATE OF WEST BENGAL* reported in (2012) 2 SCC 25, wherein it is held that the provisions of the Land Acquisition Act, 1894 are required to be strictly construed, as it is an expropriatory legislation. Emphasizing the cardinal importance of the right/protection given under Section 5-A of the said Act, it has this to say in paragraph Nos. 15 and 28 of its judgment:

"15. Hearing contemplated under Section 5-A(2) is necessary to enable the Collector to deal effectively with the objections raised against the proposed acquisition and make a report. The report of the Collector referred to in this provision is not an empty formality because it is required to be placed before the appropriate Government together with the Collector's recommendations and the record of the case. It is only upon receipt of the said report that the Government can take a final decision on the objections. It is pertinent to note that declaration under Section 6 has to be made only after the appropriate Government is satisfied on the consideration of the report, if any, made by the Collector under Section 5-A(2). As said by this Court in Hindustan Petroleum Corpn. Ltd., the appropriate Government while issuing declaration under Section 6 of the LA Act is required to apply its mind not only to the objections filed by the owner of the land in question, but also to the report which is submitted by the Collector upon making such further inquiry thereon as he thinks necessary and also the recommendations made by him in that behalf.

28. By no stretch of imagination, can it be said that the Second Land Acquisition Officer had applied his mind to the objections raised by the appellant. The abovequoted paragraphs are bereft of any recommendations. The Second Land Acquisition Officer has only reproduced the contentions of the officers of the acquiring body. **The objections taken by the appellants are rejected on a very vague ground. Mere use of the words "far the greater interest of public" does not lend the report the character of a report made after application of mind.** Though in our opinion, the declaration under Section 6 of the LA Act must be set aside because the appellant was not given hearing as contemplated under Section 5-A(2) of the LA Act, which is the appellant's substantive right, we must record that in the facts of this case, we are totally dissatisfied with the report submitted by the Second Land Acquisition Officer. His report is utterly laconic and bereft of any recommendations. He was not expected to write a detailed report but, his report, however brief,

should have reflected application of mind. Needless to say that as to which report made under Section 5-A(2) could be said to be a report disclosing application of mind will depend on the facts and circumstances of each case."

26. Section 28(3) order is not reflective of the consideration of the petitioners' objections. Mere mechanical or stereotyped rejection of objections cannot be regarded as adequate. The recording of reasons ensures that the SLAO has applied his mind to the case and the reasons which impelled him to take the decision in question is germane to the content and scope of the power vested in him. I therefore answer question No. 1 by holding that the SLAO's consideration of the petitioners' objections is not satisfactory. It may not be necessary for the SLAO to write out a judgment as a court of law does. **However, he must at least state what arguments are canvassed and for what reasons he is rejecting them.**

27. In Re. Question No. 2: The well-reasoned order under Section 28(3) of the KIAD Act would constitute the raw-material for the Government to take a final call on the issuance of the final notification under Section 28(4) of the KIAD Act. When Section 28(3) order itself is deficient, Section 28(4) notification also becomes unsustainable. This is all the more so when nothing is placed on record to show that the Government has applied its mind afresh to the objections of the petitioners and the report of the SLAO.

28. As held in the case of *Kamal Trading* (supra), the final notification has to be issued only after the Government is satisfied on considering of Section 5-A report (Section 28(3) order in these cases). It is reiterated in the said decision that the Government, while issuing the final notification, is required to apply its mind not only to the objections filed by the owner of the land in question, but also to the report which is submitted by the Collector (SLAO in the instant case) and also the recommendations made by him in that behalf. Mere rote acceptance or endorsement of the SLAO's order by the Government does not meet the requirements of law.

29. In taking this view, I am fortified by the Hon'ble Supreme Court's judgment in the case of *SURINDER SINGH BRAR v. UNION OF INDIA* reported in (2013) 1 SCC 403. The relevant portion of the said judgment is extracted hereinbelow:

"84. What needs to be emphasised is that hearing required to be given under Section 5-A(2) to a person who is sought to be deprived of his land and who has filed objections under Section 5-A(1) must be effective and not an empty formality. The Collector who is enjoined with the task of hearing the objectors has the freedom of making further enquiry as he may think necessary. In either eventuality, he has to make report in respect of the land notified under Section 4(1) or make different reports in respect of different parcels of such land to the appropriate Government containing his recommendations on the objections and submit the same to the appropriate Government along with the record of proceedings held by him for the latter's decision. The appropriate Government is obliged to consider the report, if any, made under Section 5-A(2) and then record its satisfaction that the particular land is needed for a public purpose. This exercise culminates into making a declaration that the land is needed for a public purpose and the declaration is to be signed by a Secretary to the Government or some other officer duly authorised to certify its orders. The formation of opinion on the issue of need of land for a public purpose and suitability thereof is sine qua non for issue of a declaration under Section 6(1). Any violation of the substantive right of the landowners and/or other interested persons to file objections or denial of opportunity of personal hearing to the objector(s) vitiates the recommendations made by the Collector and the decision taken by the appropriate Government on such recommendations. The recommendations made by the Collector without duly considering the objections filed under Section 5-A(1) and submissions made at the hearing given under Section 5-A(2) or failure of the appropriate Government to take objective decision on such

objections in the light of the recommendations made by the Collector will denude the decision of the appropriate Government of statutory finality. To put it differently, the satisfaction recorded by the appropriate Government that the particular land is needed for a public purpose and the declaration made under Section 6(1) will be devoid of legal sanctity if statutorily engrafted procedural safeguards are not adhered to by the authorities concerned or there is violation of the principles of natural justice. The cases before us are illustrative of flagrant violation of the mandate of Sections 5-A(2) and (1). Therefore, the second question is answered in the affirmative."

87. The proposition laid down in the aforementioned two judgments does not support the stance of the Chandigarh Administration that even though there is breach of the mandate of Section 5-A read with Section 6(1), the Court cannot, after the issue of declaration under Section 6(1), nullify the acquisition proceedings. As a matter of fact, ***the ratio of both the judgments is that satisfaction of the appropriate Government envisaged in Section 6(1) must be preceded by consideration of the report prepared by the Collector after considering the objections filed under Section 5-A and hearing the objectors. This necessarily implies that the Government must objectively apply its mind to the report of the Collector and the objections filed by the landowners and then take a decision whether or not the land is needed for the specified public purpose. A mechanical endorsement of the report of the Collector cannot be a substitute for the requirement of application of mind by the Government which must be clearly reflected in the record."***

30. As Section 28(3) order is not a reasoned order and in the absence of the application of mind on the part of the Government to the objections filed by the petitioners, the consequential Section 28(4) final notification becomes unsupportable.

31. As the Government is in no position to produce the file containing the approval for the issuance of

Section 28(4) notification, it is well-nigh impossible to know whether the Government has applied its mind to the SLAO's order, to the petitioners' objections, etc. There is no way of knowing whether the approval is accorded for the issuance of Section 28(4) notification. The Court has to only draw the necessary inference from the stated misplacement and consequently its non-production. I therefore answer the second question in negative. In the result, I hold that the notification issued under Section 28(4) of the KIAD Act is liable to be quashed."

(Emphasis supplied at each instance)

The co-ordinate Bench of this Court, in the judgment quoted *supra*, observes that the Special Land Acquisition Officer is required to consider the objections of the land owners and record his reasons for rejecting the arguments made by them. The co-ordinate Bench further holds that when the order under Section 28(3) of the Act is deficient, the consequential final notification under Section 28(4) of the Act is rendered unsustainable.

9. In the case at hand, let alone consideration of objections, the objections are not even noticed. Therefore, on this short ground, the petitions deserve to succeed, *albeit* in part, where the Board must be directed to consider the objections of these petitioners afresh, bearing in mind the observations made in the

course of the order and pass necessary orders thereon; for the said purpose the entire acquisition proceedings need not be stalled or quashed, except the acquisition of lands of these petitioners, which would be kept in abeyance, till compliance with the subject order.

10. For the aforesaid reasons, the following:

ORDER

- (i) Writ Petitions are allowed in part.
- (ii) Notification issued under Section 28(1) of the Act dated 28-11-2024 stands sustained.
- (iii) The order dated 21-03-2025 passed under Section 28(3) of the Act insofar as lands of the petitioners are concerned stands quashed.
- (iv) Final notification dated 29-05-2025 under Section 28(4) of the Act insofar as the petitioners' lands are concerned stands deferred or kept in abeyance.
- (v) Objections of the petitioners to the preliminary notification shall be considered by the Board within an outer limit of four weeks from the date of receipt of a copy of this order and pass necessary orders thereon in accordance with law. Till such time, the order of

keeping the acquisition proceedings in abeyance insofar as the lands of the petitioners are concerned would subsist.

- (vi) All contentions of both parties except the one considered in the course of this order shall remain open.

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

bkp
CT:MJ