



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 10TH DAY OF JULY, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MR. JUSTICE T.M.NADAF

WRIT PETITION NO.27324 OF 2023 (GM-RES)

BETWEEN:

1. SMT SAROJAMMA,
W/O LATE SHANKAR REDDY,
AGED ABOUT 57 YEARS,
2. SRI. S PRAKASH,
S/O LATE SHANKAR REDDY,
AGED ABOUT 36 YEARS,
3. SRI. S ANIL REDDY,
S/O LATE SHANKAR REDDY,
AGED ABOUT 34 YEARS,
4. SMT. S AMARAVATHI,
W/O A SURESH KUMAR,
D/O LATE SHANKAR REDDY,
AGED ABOUT 41 YEARS,

ALL ARE RESIDING AT:
CHELLAKERE VILLAGE,
KALYAN NAGAR,
BANGALORE - 560 043.

...PETITIONERS

(BY SRI. ABHINAV R, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
URBAN DEVELOPMENT DEPARTMENT,
M.S BUILDINGS,

Digitally
signed by
REKHA R
Location:
High Court
of
Karnataka



BANGALORE - 560 001.
REPTD. BY ITS
PRINCIPAL SECRETARY.

2. BANGALORE DEVELOPMENT
AUTHORITY,
KUMARA PARK WEST,
BANGALORE - 560 020.
REPRESENTED BY
ITS COMMISSIONER
3. THE ADDITIONAL LAND
ACQUISITION OFFICER,
BANGALORE DEVELOPMENT
AUTHORITY,
KUMARA PARK WEST,
BANGALORE - 560 020.
4. JUSTICE K.N. KESHAHA,
NARAYAN COMMITTEE,
(CONSTITUTED BY THE HON'BLE
HIGH COURT OF KARNATAKA,
IN WRIT PETITION NO.51929/2014),
KRISHI BHAVAN, 4th FLOOR,
HUDSON CIRCLE,
BENGALURU - 560 002.

...RESPONDENTS

(BY SRI. S.H. RAGHVENDRA, AGA FOR R1,
MS. DEEPTI AYATHAN AND
MS. KAVYASHREE, ADVOCATE FOR R2 AND R3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO CALL
FOR RECORDS AND ISSUE A WRIT OF CERTIORARI OR ANY
OTHER APPROPRIATE WRIT, ORDER DIRECTION TO SET ASIDE,
AND QUASH THE IMPUGNED RECOMMENDATION
DATED:05.10.2023 BY THE RESPONDENT NO.4 VIDE
ANNEXURE-F WHILE DECLARING THE SAME TO BE VOID,
ARBITRARY, ILLEGAL, WITHOUT JURISDICTION AND
INOPERATIVE IN LAW AND ETC.,



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

CORAM: HON'BLE MR. JUSTICE D K SINGH
and
HON'BLE MR. JUSTICE T.M.NADAF

ORAL ORDER

(PER: HON'BLE MR. JUSTICE T.M. NADAF)

The petitioners are before this Court seeking for the
following reliefs:

- "a. Call for Records;
- b. To issue a writ of Certiorari or any other appropriate writ, order, direction to set aside, and quash the impugned recommendation dated 05.10.2023 by the Respondent No.4 vide '**ANNEXURE - F**' while declaring the same to be void, arbitrary, illegal, without jurisdiction and inoperative in law.
- c. Grant such other reliefs as this Hon'ble Court may deem fit to grant, in the circumstances of the case, including an order as to costs, in the interest of justice and equity."

2. The facts in brief leading to file the present writ
petition are as under:

The applicants were the petitioners in
W.P.Nos.59495-498/2015. The petitioners filed the writ
petition calling in question the Preliminary Notification



dated 03.02.2003 and Second Final Notification dated 18.06.2014 acquiring the land bearing Sy.No.4/2 of Chellakere Village, K.R.Puram Hobli, Bengaluru, measuring 23 guntas on the premise that they have constructed RCC houses and thus the entire land is fully developed, except some portions which have been reserved for construction of houses for themselves. He further submits that out of 23 guntas, an extent of 16 guntas of land came to be notified for acquisition by the BDA for formation of Arkavathy Layout under Preliminary Notification dated 03.02.2003 and Final Notification dated 23.02.2004 and affirmed under the modified Final Notification dated 18.06.2014.

3. The petitioners' claim was on the premise that the land in question was fully developed much prior to Preliminary Notification and the land is qualified for deletion from acquisition process pursuant to judgment of the Division Bench of this Court as well as judgment of the Supreme Court in ***BONDU RAMASWAMY AND OTHERS***



***v. BANGALORE DEVELOPMENT AUTHORITY AND
OTHERS¹.***

4. The W.P.No.51929/2014 came to be disposed of on 27.09.2021 by means of common order by the Writ Court along with W.P.Nos.59495-498/2015 filed by the petitioners along with others and a Committee came to be constituted to resolve the dispute considering various aspects of the acquisition of lands pertaining to Arkavathy Layout in terms of the Guidelines issued by the Division Bench of this Court as well as Clarification and Guidelines issued by the Supreme Court in **BONDU RAMASWAMY's** case supra. Accordingly, the petitioners filed the writ petition.

5. In terms of the order passed by the Writ Court, the petitioners were before the Justice K.N.Keshavanarayana Committee by means of application seeking deletion of the land.

¹ (2010) 7 SCC 129



6. The Justice K.N.Keshavanarayana Committee after deliberation on the facts and materials of the case, noticed that, soon after the issuance of Preliminary Notification, the notified khatedar - Sri.Shankar Reddy neither filed any objections to the Preliminary Notification, nor he challenged the Final Notification dated 23.02.2004 by filing the writ petition. The Committee further noticed from the records that nothing is forthcoming as to whether immediately after the judgment of the Division Bench dated 25.11.2005 within the time stipulated thereunder, Sri.Shankar Reddy had submitted any application/representation to the BDA seeking deletion of the acquired extent of the land in Sy.No.4/2 or in any of the parameters laid down under the judgment of the Division Bench. In that view of the matter, the BDA had no occasion to consider the question as to whether the land bearing Sy.No.4/2 of Chellakere Village is qualified for deletion from acquisition process.



7. Further the Committee noticed that neither Sri.Shankar Reddy nor his heirs, who were the applicants before the Committee and the petitioners in the present writ petition, have submitted any representation even after the judgment of the Supreme Court in **BONDU RAMASWAMY's** case supra on 05.05.2010. In that view of the matter, there is no challenge laid to the acquisition at any point of time nor sought for deletion of the land from acquisition process.

8. That apart, the Committee noticed that Sri. Shankar Reddy along with his two sons had already released land by means of registered release deed dated 29.06.2007 in favour of Smt.S.Amaravathi in respect of unacquired portion of 7 guntas as well as right to claim compensation in respect of entire extent. An application came to be filed by Smt.Amaravathi on 02.06.2011 with the Land Acquisition Officer, BDA, seeking allotment of the land compensation in respect of acquired extent of land in Sy.No.4/2 in accordance with the Scheme formulated by



the Government. The Committee noticing all these materials, has come to the conclusion in the last portion of paragraph No.6, which reads as follows:

"6. Having regard to the fact that at no point of time there was any challenge made to the acquisition in respect of the land in question and subsequently having sought for allotment of land compensation, the Applicants are not entitled for the relief of deletion in respect of the land in question. In view of the fact that there is already an Application seeking allotment of land compensation, it is for the BDA to consider the same and pass appropriate orders therein, in accordance with the Scheme formulated thereunder. hence, the Application/Representation submitted by the Applicants seeking deletion of notified extent in Sy.No.4/2 of Challakere Village, stands rejected."

9. This rejection order of the application is called in question by the petitioners in this writ petition.

10. The main contention of Sri.Abhinav Ramanand, learned counsel for the petitioners is that the land acquired with respect to entire Chellakere Village has been denotified and all other lands adjacent to the land of the petitioners have already been denotified and it becomes a landlock and the land remained is only a short chunk of



the land and comes within the purview of the Guidelines of **BONDU RAMASWAMY's** case supra. The Committee ought to have considered these aspects of the matter and allowed their applications.

11. Having considered the rival contentions, we are of the opinion that the Committee having found that at no point of time there was any challenge made to the acquisition in respect of the land in question and subsequently, having sought for allotment of land compensation, the applicants are not entitled for any relief of deletion in respect of the land in question. However, the Committee left it to the wisdom of the BDA to consider the applications seeking allotment of land compensation and pass appropriate orders therein in accordance with Scheme formed thereunder. The claim of the learned counsel for the petitioners with regard to applicability of judgment in **BONDU RAMASWAMY's** case supra cannot be countenanced, as the same is applicable in respect of



parties who have approached the Court earlier to the judgment and not otherwise.

12. In that view of the matter, we find no infirmities in the order passed by the Committee. Accordingly, the petition stands ***rejected***.

13. In the facts and circumstances, there is no order as to costs.

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

**Sd/-
(T.M.NADAF)
JUDGE**