



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF JUNE, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

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

WRIT APPEAL NO. 1645 OF 2025 (LA-KIADB)

BETWEEN:

NANDI INFRASTRUCTURE CORRIDOR ENTERPRISE LIMITED
CORRIDOR ENTERPRISE LIMITED
NO 1, MIDFORD HOUSE, MIDFORD GARDENS,
OFF M.G. ROAD, BENGALURU-560 001
REPRESENTED BY ITS AUTHORIZED SIGNATORY
MR. SRINATH MANGALORE

...APPELLANT

(BY SRI. NITIN PRASAD., AND SRI.VIDUR NAIR, ADVOCATES)

AND:

1. M. MAHADEVA,
SON OF LATE MADALIAH
SINCE DECEASED BY LRs

1(a). SMT. PREMA,
AGED ABOUT 70 YEARS,
W/O LATE M. MAHADEVA,
NO. 127, 9TH CROSS,
4TH MAIN ROAD,
CHAMARAJPET
BENGALURU - 560 040.

1(b). SMT. SHWETHA M.,
AGED ABOUT 44 YEARS,
D/O LATE M. MAHADEVA,
W/O SRI. SURAJ DEV J.,
NO.634, 6TH MAIN,



4TH CROSS, 2ND BLOCK,
BANASHANKARI 1ST STAGE,
BENGALURU - 560 050.

1(c). CHAITHRA M.,
AGED ABOUT 41 YEARS,
D/O LATE M. MAHADEVA,
NO.127, 9TH CROSS,
4TH MAIN, CHAMARAJPET,
BENGALURU - 560 018.

2. M. SRINIVAS,
SON OF LATE MADIAH,
AGED ABOUT 59 YEARS
NO. 14, AGARA VILLAGE
THATAGUNI ROAD
BENGALURU SOUTH - 560 082

REPRESENTED BY THEIR
GPA HOLDER PREMA,
WIFE OF M. MAHADEVA,
AGED ABOUT 64 YEARS,
NO. 127, 9TH CROSS,
4TH MAIN ROAD,
CHAMARAJPET
BENGALURU 560 018

3. THE STATE OF KARNATAKA,
REPRESENTED BY ITS
PRINCIPAL SECRETARY
COMMERCE AND INDUSTRIES
DEPARTMENT, VIKASA SOUDHA,
BENGALURU - 560 001.

4. KARNATAKA INDUSTRIAL
AREA DEVELOPMENT BOARD
NO. 14/3, RASHTROTHANA BUILDING,
NRUPATHUNGA ROAD,
BANGALORE - 560 001.
REPRESENTED BY ITS



CHIEF EXECUTIVE OFFICER
AND EXECUTIVE MEMBER.

5. THE SPECIAL LAND DEPUTY COMMISSIONER
KIADB (BMICP), 1ST FLOOR,
MAHARSHI ARAVIND BHAVAN,
NRUPATHUNGA ROAD,
BENGALURU - 560 001.
6. THE SPECIAL LAND
ACQUISITION OFFICER-1
KIADB (BMICP), 1ST FLOOR,
MAHARSHI ARAVIND BHAVAN,
NRUPATHUNGA ROAD,
BENGALURU - 560 001.
7. THE TAHSILDAR,
BANGALORE SOUTH TALUK,
KANDAYA BHAVAN,
K.G. ROAD,
BENGALURU - 560 009.

...RESPONDENTS

(BY SRI.P.V.CHANDRASHEKAR, ADVOCATE FOR R4, 5 & 6;
PROF. RAVI VARMA KUMAR, SR.ADVOCATE FOR
SRI.H.L.PRADEEP KUMAR, SPL. COUNSEL FOR R3 & 7;
SRI.NATARAJU.T, ADVOCATE FOR R1(A-C) AND R2)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE
KARNATAKA HIGH COURT ACT, 1961, R/W RULE 27, WRIT
PROCEEDINGS RULES, 1977, PRAYING TO SET ASIDE THE
IMPUGNED ORDER DATED:04.07.2025 PASSED BY THE
LEARNED SINGLE JUDGE IN WP NO.19996/2023 AND
CONSEQUENTLY DISMISS WP NO.19996/2023 AND ETC.,

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 T.M.NADAF



ORAL JUDGMENT

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

This appeal by Nandi Infrastructure Corridor Enterprise Limited/ respondent No.5 in W.P.No.19996/2023 calling in question the common order dated 04.07.2025 passed by the Writ Court.

2. Under the impugned order, the Writ Court directed the Special Land Acquisition Officer¹ to pass fresh award taking market value prevailing as on 22.04.2019 in respect of lands belonged to the Writ Petitioner in a time bound manner, with other directions.

3. The parties are referred to as per their rankings before the Writ Court.

4. The petitioners filed the Writ Petition seeking following reliefs:

- a) *"Issue a writ in the nature of certiorari, quash the Award No.BMICP/ LAQ(1)/ Samanya Ithirpu-01/2017-18 dated 28.9.2022 vide*

¹ for short, 'the SLAO'



Annexure-J in respect of petitioners' lands bearing Sy.No.147/1, 147/2, 147/4, 147/5, 147/6, 147/8, 147/9, 147/10 situated at Kengeri Village thereafter Babusa Palya now known as Basaveshwaranagara.

- b) Issue a writ in the nature of mandamus directing the Respondent No.4 to pass an award in terms of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 vide Annexure-K dated 15.10.2022.*
- c) Issue such other direction which the Hon'ble Court deems fit grant under the circumstances of the case, in the interest justice and equity."*

5. The Writ Court after considering the rival submissions, passed the common order extending the benefit of Judgment in **BERNARD FRANCIS JOSEPH VAZ & OTHERS VS. GOVERNMENT OF KARNATAKA & OTHERS**², allowed the Writ Petition and directed the SLAO to pass fresh award taking market value prevailing as on 22.04.2019 in respect of land belonged to the Writ Petitioner in a time bound manner, with other directions.

² (2025) SCC Online SC 20



It is this order passed by the Writ Court is called in question in this appeal.

6. Heard, Sri.Nitin Prasad, along with Sri.Vidur Nair, learned counsel appearing for the appellant, Sri.Nataraju.T, learned counsel appearing for respondents 1(A) to (C) and 2, Prof. Ravi Varma Kumar, learned Senior counsel assisted by Sri.H.L.Pradeep Kumar, special counsel for State respondent No.3 & 7, Sri.P.V.Chandrashekar, learned counsel appearing for respondents 4 to 7.

7. Learned counsel Sri.Nitin Prasad, with all vehemence submits that the Preliminary Notification was issued on 19.12.1998 and 29.01.2003 under Section 28(1) of the Karnataka Industrial Area Development Act, 1966³, thereafter on 08.05.2003 and 05.07.2003, Final Notifications were issued under Section 28(4) of the Act of 1966 and award came to be passed on 15.06.2004 in respect of various lands. However, the subject lands were

³ the Act of 1966, for short



not included in the award as the lands were subsequently shown as lands under Urban Land Ceiling Act.

8. He further submits that, an order was passed in the year 1984 under the provisions of the Urban Land (Ceiling and Regulation) Act, 1976⁴ against the petitioners declaring that the aforesaid lands are coming under the ULC Act. The Act was repealed in the year 1999. After considerable delay of nearly 08 years, a Writ Petition No.13709/2007 was filed by the petitioners calling in question the order passed under the ULC Act with other prayers. The Writ Petition came to be dismissed vide order dated 01.08.2008, which was the subject matter in W.A.No.1591/2008. The division Bench of this Court passed the order allowing the Writ Appeal on 28.06.2010, which order has attained finality. The petitioners belatedly thereafter, i.e., by four years, approached the Revenue authorities for entering their names in the RTC, by that time, award has been passed. Since the lands were shown

⁴ the ULC Act, for short



as land under ULC Act, their names and lands were not included in the award.

9. Learned counsel Sri.Nitin Prasad, further contended that, it is the petitioners who are responsible for the delay in prosecuting their claims in this Court, and taking action immediately thereafter. In these circumstances, they are not entitled for consideration of their case in terms of the order passed by the Supreme Court in ***BERNARD FRANCIS JOSEPH VAZ***, supra. This factual aspect of the matter has not been considered by the Writ Court, as such the same requires consideration and sought to allow the Writ Appeal and set-aside the order regarding postponement of market value prevailing as on 22.04.2019 in the Writ order.

10. Per contra, Sri.Nataraju.T, learned counsel appearing for the petitioners submits that the petitioners were not aware of the proceedings under the ULC Act and they have challenged thereafter and succeeded in the Writ



Appeal. Though after the order passed by the Writ Court, on several occasions they approached the Revenue Authorities, however the authorities for the best reasons known to them, have not complied with the order. Subsequently, after so many unsuccessful attempts, in the year 2014, the names of the petitioners were entered by deleting the earlier entries in the name of Government.

11. Learned counsel further contended that the SLAO was aware of the fact since there was clear indication in the records that the lands were subjected and covered under ULC proceedings. Admittedly, award came to be passed on 15.06.2004, without showing the lands of the petitioners as the lands were covered under ULC Act. In that view of the matter, there is no notice to the petitioners, despite that they were in actual possession which was the basis and reason for the coordinate Bench of this Court in the Writ Appeal to consider the claim of the petitioners for setting aside the order passed under the repealed ULC Act. In that view of the matter, since no



award was passed in respect of the lands, the same has been considered by the Writ Court and an appropriate order passed in terms of the law laid down by the Supreme Court in ***BERNARD FRANCIS JOSEPH VAZ***, supra and sought to dismiss the appeal.

12. Having considered the rival submissions, we are of the opinion that, in the background of admitted fact that the petitioners' lands were not included in the award, as they were shown as lands covered under the Urban Land Ceiling Act, the fact remains that the petitioners were in possession and continued to remain so. This aspect has been taken note of by the Coordinate Bench of this Court in the Writ Appeal filed challenging the order passed by the Writ Court dismissing the Writ Petition, as well as the order passed under the ULC Act.

13. In that view of the matter, the contentions urged by learned counsel Sri.Nitin Prasad, cannot be countenanced. We find no reason to take any contrary



view than the one taken by the Writ Court while postponing the consideration of the market value prevailing as on 22.04.2019. The Writ Appeal sans merits and is accordingly, ***dismissed***. The authorities concerned are directed to comply with the order passed by the Writ Court, within a period of one month from the date of receipt of certified copy of this order. The petitioners are at liberty to place the certified copy of this order before the authority concerned for passing award in terms of the order passed by the Writ Court at the earliest.

14. In view of dismissal of the Writ Appeal, pending interlocutory applications, if any, stand disposed of.

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

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

TKN
List No.: 1 Sl No.: 15
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