

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 20TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE M.NAGAPRASANNA

AND

THE HON'BLE MR. JUSTICE VENKATESH NAIK T

WRIT PETITION No.28592 OF 2023 (LA - BDA)

BETWEEN:

SRI B.S.PRASANNA KUMAR
S/O LATE B.M.SRINIVASA GOWDA
AGED ABOUT 46 YEARS
RESIDING AT NO.36
DODDABETTAHALLI
NEAR ANJANEYA TEMPLE
VIDYARANYAPURA POST
BENGALURU – 560 097.

... PETITIONER

(BY SRI CHANDRASHEKAR PATIL, ADVOCATE)

AND:

- 1 . BANGALORE DEVELOPMENT AUTHORITY
KUMARA PARK WEST, SANKEY ROAD
BENGALURU – 560 020
REPRESENTED BY ITS COMMISSIONER.
- 2 . THE LAND ACQUISITION OFFICER
BANGALORE DEVELOPMENT AUTHORITY
T.CHOWDAIAH ROAD
BENGALURU – 560 020.

Digitally
signed by
PADMAVATHI
B K

Location: High
Court of
Karnataka

3 . STATE OF KARNATAKA
URBAN DEVELOPMENT DEPARTMENT
VIKASA SOUDHA, DR. B.R.AMBEDKAR VEEDHI
BENGALURU – 560 001.
REPRESENTED BY ITS SECRETARY.

... RESPONDENTS

(BY SRI SHIVAPRASAD M.SHANTANAGOUDAR, ADVOCATE FOR
R1 AND R2;
SMT.HEMALATHA V., AGA FOR R3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO a) QUASH THE IMPUGNED NOTIFICATION BEARING NO.UDD/553/MNX/2018, BENGALURU, DATED 30/10/2018 VIDE ANNEXURE-A ISSUED BY THE R3 AUTHORITY IN SO FAR AS IT RELATES TO LAND BEARING SY. NO. 6 MEASURING TO AN EXTENT OF 6 ACRES 26 GUNTAS, SITUATED AT SHAMARAJAPURA VILLAGE, YELAHANKA HOBLI, BENGALURU NORTH TALUK, BENGALURU HOLDING THE SAME AS ILLEGAL b) DIRECT THE R3 TO AWARD FAIR COMPENSATION UNDER THE RIGHT TO FAIR COMPENSATION AND TRANSPARENCY IN LAND ACQUISITION, REHABILITATION AND RESETTLEMENT ACT, 2013.

THIS WRIT PETITION HAVING BEEN HEARD AND RESERVED FOR ORDERS, COMING ON FOR PRONOUNCEMENT THIS DAY, **M. NAGAPRASANNA, J.**, MADE THE FOLLOWING:-

CORAM: HON'BLE MR. JUSTICE M.NAGAPRASANNA
AND
HON'BLE MR. JUSTICE VENKATESH NAIK T

CAV ORDER

(PER: HON'BLE MR JUSTICE M.NAGAPRASANNA)

Petitioner is before this Court, in the subject petition, seeking the following prayer:

- “(a) Issue Writ in the nature of Certiorari or any other Writ or Order or Direction in the similar nature quashing the Impugned Notification bearing No.UDD/553/MNX/2018, Bengaluru, dated 30.10.2018 vide Annexure-A issued by the 3rd respondent authority in so far as it relates to land bearing Sy.No.6 measuring to an extent of 6 acres 26 guntas, situated at Shamarajapura Village, Yelahanka Hobli, Bengaluru North Taluk, Bengaluru holding the same as illegal;
- (b) In alternative if this Hon'ble Court holds acquisition as valid in relation to petitioner's land then direct the Respondent No.3 to award fair compensation under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.
- (c) Grant such other relief or reliefs as this Hon'ble Court may deems fit to grant in the facts and circumstances of the case, in the interest of Justice and equity.”

2. Heard Sri Chandrashekar Patil, learned counsel appearing for petitioner, Sri Shivaprasad M Shantanagoudar, learned counsel appearing for respondents 1 and 2 and Sri M Rajakumar, learned Additional Government Advocate appearing for respondent No.3.

3. The petitioner is said to be the owner and khatedar of the land bearing Sy.No.6 measuring 6 acres 26 guntas, situate at Shamarajapura village, Yelahanka Hobli, Bengaluru North Taluk, Bengaluru (hereinafter referred to as the 'subject land' for short). The petitioner succeeds to the possession of the property on the demise of his father who had owned the property. The petitioner has produced the relevant statutory transfers in the name of the petitioner as annexures to the petition. A civil suit was also instituted seeking partition of various properties including the subject land which reached this Court in RFA 693 of 2008. This Court, in terms of its order dated 6-11-2023 sets aside the order passed by the trial Court and has remanded the matter to the concerned Court for a fresh disposal. In the interregnum, a compromise was entered into between the petitioner and his uncle who had registered a claim for the property and in terms of the said compromise, the subject land came to the petitioner and his uncle Sri B M Thulasirama Gowda has executed a release deed in favour of the petitioner. Therefore, there are no claims and the petitioner is the sole owner of the property. This is the manner in which the

property comes into the hands of the petitioner and stays at the hands of the petitioner as on today.

4. A little walk in the history is necessary to be noticed. A preliminary notification comes to be issued by the Bangalore Development Authority ('BDA') seeking to acquire several thousands of acres of land for the purpose of formation of Dr.K.Shivarama Karanth Layout. Objections were called for. The petitioner had filed his objections to the preliminary notification. Long after the issuance of the preliminary notification, an endorsement comes to be issued by the BDA on 09-04-2014 holding that the land of the petitioner would not be required for the purpose of formation of Dr. K. Shivarama Karanth Layout. Pursuant to the endorsement, it is the averment in the petition that the petitioner went into several proceedings to develop the said land. The land was converted from agriculture to non-agriculture purposes on 05-12-2015 and after the said conversion the land was further converted for residential purposes at the hands of Vaderahalli Gram Panchayat and E-khata to that effect was also issued in favour of the petitioner. With the continuation of the

acquisition proceedings, notwithstanding the endorsement noted hereinabove, the petitioner has knocked at the doors of this Court in the subject petition, calling in question the final notification dated 30-10-2018 and all subsequent actions.

5. The learned counsel Sri Chandrashekar Patil appearing for the petitioner would vehemently contend that the BDA has issued endorsement on 09-09-2014 that they would not require the lands for the purpose of formation of Dr. K.Shivarama Karanth Layout. Owing to the fact that BDA itself has issued an endorsement, the petitioner went on to develop the land by seeking conversion of the land from agriculture to non-agriculture purposes, later to residential purposes. He would contend that in the teeth of the endorsement issued by the BDA, the BDA could not have acquired the lands. Nonetheless, since the acquisition was pursuant to the order of the Apex Court, which permits all the contentions to be raised before this Court, the petition will have to be considered on the merit of the matter. He would seek to place reliance upon the judgment rendered by the Division Bench of this Court in W.A.No.1412 of 2021 disposed on 13-12-2024.

6. Per-contra, the learned counsel appearing for the respondents Sri Shivaprasad Shantanagoudar would vehemently refute the submissions in contending that the Apex Court's directions were unequivocal. The lands that were left out by the Special Land Acquisition Officer were specifically directed to be acquired holding that the Special Land Acquisition Officer had, without authority of law, recommended dropping of lands from acquisition. The Apex Court thereafter protected certain constructions that had come up before the cut off date i.e., 03-08-2018, the date on which the Apex Court rendered its judgment. He would contend that land of the petitioner is vacant. No protection was given by the Apex Court to vacant lands. It was only those layouts that have come up in the lands that formed part of acquisition were permitted to be retained by the Apex Court. The learned counsel would contend that the land of the petitioner cannot be dropped from acquisition, as the Special Land Acquisition Officer does not have the sanction of law for dropping the lands from acquisition.

7. We have given our anxious consideration to the submissions made by the respective learned counsel and have perused the material on record.

8. The afore-narrated facts are a matter of record. The petitioner coming in possession of the subject property from inheritance from his father and later through a family partition is not in dispute. It would suffice if the narration would commence from the date of issuance of preliminary notification. A preliminary notification comes to be issued on 30-12-2008 seeking to acquire several parcels of land – thousands of acres for the purpose of formation of Dr. K. Shivarama Karanth Layout. Objections were called by the BDA to the preliminary notification so issued on 30-12-2008. The petitioner had also filed his objections and had sought dropping of the lands from acquisition. After issuance of the preliminary notification, on 09-04-2014 owing to the representation of the petitioner dated 03-04-2014, the subject lands are sought to be dropped from acquisition through an endorsement. The endorsement reads as follows:

“ಸಂಖ್ಯೆ :

ದಿನಾಂಕ :

No. ಬೆಂಗಳೂರು/ಎಸ್‌ಎಲ್‌ಎಚ್‌ಎಲ್‌ಎಸ್‌/1816/15/2014-15

Date: 09/04/2014

ಹಿಂಬರಹ

ವಿಷಯ: ಡಾ|| ಕೆ. ಶಿವರಾಮಕಾರಂತ ಬಡಾವಣೆಯ ಬೆಂಗಳೂರು ಉತ್ತರ (ಅಪರ) ತಾಲ್ಲೂಕು, ಯಲಹಂಕ ಹೋಬಳಿ, ಶ್ಯಾಮರಾಜಪುರ ಗ್ರಾಮದ ಸರ್ವೆ ನಂ. 06 ರಲ್ಲಿನ 06 ಎಕರೆ 26 ಗುಂಟೆ ಜಮೀನಿಗೆ ನಿರಾಕ್ಷೇಪಣಾ ಪತ್ರವನ್ನು ನೀಡುವಂತೆ ಕೋರಿರುವ ಬಗ್ಗೆ.

ಉಲ್ಲೇಖ: 1. ನಿಮ್ಮ ಅರ್ಜಿಯ ದಿನಾಂಕ: 03/04/2014.

2. ವಿಶೇಷ ಭೂಸ್ವಾಧೀನಾಧಿಕಾರಿ-2, ಬೆಂಗಳೂರು, ಬೆಂಗಳೂರು ರವರು ಬಿ.ಡಿ.ಎ ಕಾಯ್ದೆ ಕಲಂ 17(5) ರಡಿಯಲ್ಲಿ ಹೊರಡಿಸಿರುವ ದಿನಾಂಕ:28/03/2014 ರ ಆದೇಶ.

* * * *

ಮೇಲ್ಕಂಡ ವಿಷಯ ಹಾಗೂ ಉಲ್ಲೇಖಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ, ಬೆಂಗಳೂರು ಉತ್ತರ (ಅಪರ) ತಾಲ್ಲೂಕು, ಯಲಹಂಕ ಹೋಬಳಿ, ಶ್ಯಾಮರಾಜಪುರ ಗ್ರಾಮದ ಸರ್ವೆ ನಂ. 06 ರಲ್ಲಿನ 06 ಎಕರೆ 26 ಗುಂಟೆ ಜಮೀನಿಗೆ ಸಂಬಂಧಪಟ್ಟಂತೆ, ಅಧಿಸೂಚನೆ ಸಂಖ್ಯೆ: ಬಿಡಿಎ/ಆಯುಕ್ತರು/ಡಿ.ಸಿ(ಎಲ್ ಎ)ಎಸ್‌ಎಲ್‌ಎಚ್‌ಎ/ಎ5/ಪಿಆರ್/283/2008-09, ದಿನಾಂಕ: 30/12/2008 ರಂತೆ ಪ್ರಾಧಿಕಾರದಿಂದ ಡಾ|| ಕೆ. ಶಿವರಾಮ ಕಾರಂತ ಬಡಾವಣೆ ರಚನೆಗಾಗಿ ಪ್ರಾರಂಭಿಕ ಅಧಿಸೂಚನೆಯನ್ನು ಹೊರಡಿಸಲಾಗಿದೆ.

ವಿಶೇಷ ಭೂಸ್ವಾಧೀನಾಧಿಕಾರಿ-2 ಬೆಂಗಳೂರು, ಬೆಂಗಳೂರು ರವರು ಬಿ.ಡಿ.ಎ ಕಾಯ್ದೆ ಕಲಂ 17(5) ರಂತೆ ದತ್ತವಾದ ಅಧಿಕಾರದ ಮೇರೆಗೆ ವಿಚಾರಣೆ ನಡೆಸಿ, ಉಲ್ಲೇಖ (2) ರಂತೆ ಬೆಂಗಳೂರು ಉತ್ತರ (ಅಪರ) ತಾಲ್ಲೂಕು, ಯಲಹಂಕ ಹೋಬಳಿ, ಶ್ಯಾಮರಾಜಪುರ ಗ್ರಾಮದ ಸರ್ವೆ ನಂ. 06 ರಲ್ಲಿ 06 ಎಕರೆ 26 ಗುಂಟೆಗೆ ಡಾ|| ಕೆ. ಶಿವರಾಮ ಕಾರಂತ ಬಡಾವಣೆ ರಚನೆಗಾಗಿ ಪ್ರಾಥಮಿಕ ಅಧಿಸೂಚನೆ ಹೊರಡಿಸಿರುವ ಜಮೀನಿನ ಸದರಿ ಆದೇಶದಲ್ಲಿ ಉಲ್ಲೇಖಿಸಿರುವ ಚಕ್ರಬಂದಿಯಲ್ಲಿನ ಜಮೀನನ್ನು ಭೂಸ್ವಾಧೀನ ಪ್ರಕ್ರಿಯೆಯಲ್ಲಿ ಮುಂದುವರಿಸಬಾರದೆಂದು ಅಭಿಪ್ರಾಯಿಸಿ, ಆದೇಶ ಹೊರಡಿಸಿರುತ್ತಾರೆ. ಅದರಂತೆ, ಶ್ಯಾಮರಾಜಪುರ ಗ್ರಾಮದ ಸರ್ವೆ ನಂ. 06 ರಲ್ಲಿ 06 ಎಕರೆ 26 ಗುಂಟೆ ಜಮೀನನ್ನು ಡಾ|| ಕೆ. ಶಿವರಾಮಕಾರಂತ ಬಡಾವಣೆಯ ಭೂಸ್ವಾಧೀನ ಪ್ರಕ್ರಿಯೆಯಲ್ಲಿ ಪ್ರಾಧಿಕಾರವು ಮುಂದುವರಿಸುವುದಿಲ್ಲವೆಂದು ಈ ಮೂಲಕ ತಿಳಿಸಲಾಗಿದೆ.

(ಕರಡು ಪತ್ರವು ಮಾನ್ಯ ಆಯುಕ್ತರವರಿಂದ ಅನುಮೋದಿಸಲ್ಪಟ್ಟಿದೆ.)

ಸಹಿ/-

ಉಪ ಆಯುಕ್ತರು (ಭೂಸ್ವಾ..)
ಬೆಂಗಳೂರು ಅಭಿವೃದ್ಧಿ ಪ್ರಾಧಿಕಾರ,

ಬೆಂಗಳೂರು

The said endorsement was issued by the Special Land Acquisition Officer which is later affirmed by the Commissioner on 05-12-2015.

The order reads as follows:

ಸಂಖ್ಯೆ:

No. ಬೆಂಗಳೂರು/ಆಯುಕ್ತರು/1310/2015-16

ದಿನಾಂಕ:

Date: 5/12/15

ರವರಿಗೆ.

ಜಿಲ್ಲಾಧಿಕಾರಿಗಳು,

ಬೆಂಗಳೂರು ಜಿಲ್ಲೆ,

ಬೆಂಗಳೂರು.

ಮಾನ್ಯರೇ,

ವಿಷಯ: ಬೆಂಗಳೂರು ಉತ್ತರ (ಅಪರ) ತಾಲ್ಲೂಕು, ಯಲಹಂಕ ಹೋಬಳಿ, ಶ್ಯಾಮರಾಜಪುರ ಗ್ರಾಮದ ಸರ್ವೆ ನಂ. 6 ರಲ್ಲಿ 06 ಎಕರೆ 25 ಗುಂಟೆ ವಿಸ್ತೀರ್ಣದ ಜಮೀನನ್ನು ವ್ಯವಸಾಯೇತರ ವಾಸದ ಉದ್ದೇಶಕ್ಕೆ ಭೂಪರಿವರ್ತನೆ ಕೋರಿ ಶ್ರೀ ಬಿ.ಎಸ್. ಪ್ರಸನ್ನಕುಮಾರ್ ಬಿನ್ ಲೇಟ್ ಬಿ.ಎಂ. ಶ್ರೀನಿವಾಸಗೌಡ ರವರ ಮನವಿ ಬಗ್ಗೆ.

ಉಲ್ಲೇಖ: 1. ತಮ್ಮ ಕಛೇರಿ ಪತ್ರದ ಸಂಖ್ಯೆ: ಎಎಲ್‌ಎನ್(ಎನ್.ಎ.ವೈ) ಸಿಆರ್/23/14-15
ದಿನಾಂಕ: 19/05/2015.

2. ಬೆಂಗಳೂರು ಅಭಿವೃದ್ಧಿ ಪ್ರಾಧಿಕಾರದ ಹಿಂಬರಹ ಸಂಖ್ಯೆ:
ಬೆಂಗಳೂರು/ಎಸ್‌ಎಲ್‌ಎಬಿ/ಎಲ್‌ಎಸಿ/1816/15/14-15 ದಿನಾಂಕ:
09/04/2014.

3. ಮಾನ್ಯ ಉಚ್ಚ ನ್ಯಾಯಾಲಯದ ರಿಟ್ ಪಿಟಿಷನ್ ಸಂಖ್ಯೆ: 12908/2015 ಕ್ಕೆ
ಸಂಬಂಧಿಸಿದಂತೆ ದಿನಾಂಕ 02/09/2015 ರ ಆದೇಶದ ಮೇರೆಗೆ.

ಮೇಲ್ಕಂಡ ವಿಷಯ ಮತ್ತು ಉಲ್ಲೇಖಗಳಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ, ಬೆಂಗಳೂರು ಉತ್ತರ (ಅಪರ) ತಾಲ್ಲೂಕು, ಯಲಹಂಕ ಹೋಬಳಿ, ಶ್ಯಾಮರಾಜಪುರ ಗ್ರಾಮದ ಸರ್ವೆ ನಂ. 6 ರಲ್ಲಿ 06 ಎಕರೆ 25 ಗುಂಟೆ ವಿಸ್ತೀರ್ಣದ ಜಮೀನನ್ನು ವ್ಯವಸಾಯೇತರ ವಾಸದ ಉದ್ದೇಶಕ್ಕೆ ಭೂಪರಿವರ್ತನೆ ಮಾಡುವ ಸಲುವಾಗಿ ಉಲ್ಲೇಖ (2) ರ ಪತ್ರದ ನೈಜತೆಯನ್ನು ಕುರಿತು ವರದಿ ನೀಡಲು ಕೋರಿರುವುದು ಸರಿಯಷ್ಟೆ. ಅದರಂತೆ ಈ ಕಛೇರಿಯಲ್ಲಿನ ಲಭ್ಯ ದಾಖಲೆಗಳನ್ನು ಪರಿಶೀಲಿಸಲಾಗಿ, ಸಂಖ್ಯೆ: ಬೆಂಆರ್‌ಎಸ್‌ಎಲ್‌ಎಬಿ/ಎಲ್‌ಎಸಿ/1816/15/2014-15 ದಿನಾಂಕ: 09/04/2014 ರಂದು ನೀಡಿರುವ ಹಿಂಬರಹವು ನೈಜತೆಯಿಂದ ಕೂಡಿರುತ್ತದೆ. ಈ ಹಿನ್ನೆಲೆಯಲ್ಲಿ ಭೂಪರಿವರ್ತನೆ ಮಾಡಲು ಪ್ರಾಧಿಕಾರದಿಂದ ಯಾವುದೇ ಅಭ್ಯಂತರವಿರುವುದಿಲ್ಲ ಎಂಬುದಾಗಿ ಈ ಮೂಲಕ ತಿಳಿಸಲಾಗಿದೆ.

ತಮ್ಮ ವಿಶ್ವಾಸಿ,

ಸಹಿ/-

ಆಯುಕ್ತರು

ಬೆಂಗಳೂರು ಅಭಿವೃದ್ಧಿ ಪ್ರಾಧಿಕಾರ

ಬೆಂಗಳೂರು.”

The petitioner, pursuant to the order passed by the BDA both by the Special Land Acquisition Officer and by the Commissioner submits an application seeking conversion of land from agriculture to non-agricultural purposes – residential purposes on 28-05-2014. The Deputy Commissioner permits conversion of the land on certain conditions in terms of Section 95 of the Karnataka Land Revenue Act. The order of conversion reads as follows:

“ನಂ: ಎಎಲ್‌ಎನ್‌(ಎನ್‌ಎವೈ)ಎಸ್‌ಆರ್‌/23/14-15

ಕಾರ್ಯಾಲಯ

ಜಿಲ್ಲಾಧಿಕಾರಿಗಳವರ

ಬೆಂಗಳೂರು ಜಿಲ್ಲೆ

ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 22/12/2015

:: ಅಧಿಷ್ಠಿತ ಜ್ಞಾಪನ ::

ವಿಷಯ: ಬೆಂಗಳೂರು ಜಿಲ್ಲೆ, ಬೆಂಗಳೂರು ಉತ್ತರ (ಅಪರ) ತಾಲ್ಲೂಕು, ಯಲಹಂಕ ಹೋಬಳಿ, ಶ್ಯಾಮರಾಜಪುರ ಗ್ರಾಮದ ಸ.ನಂ. 6 ರಲ್ಲಿ 6-25 ಎ/ಗುಂಟೆ ವಿಸ್ತೀರ್ಣದ ವ್ಯವಸಾಯದ ಜಮೀನನ್ನು ವ್ಯವಸಾಯೇತರ ವಾಸದ ಉದ್ದೇಶಕ್ಕಾಗಿ ಭೂ ಪರಿವರ್ತನೆ ಕೋರಿ ಶ್ರೀ ಬಿ.ಎಸ್. ಪ್ರಸನ್ನಕುಮಾರ್ ಬಿನ್ ಲೇಟ್ ಬಿ.ಎಂ. ಶ್ರೀನಿವಾಸಗೌಡ ರವರು ಸಲ್ಲಿಸಿರುವ ಅರ್ಜಿ ದಿ: 28/05/2014

- ಉಲ್ಲೇಖ:1) ಸರ್ಕಾರದ ಸುತ್ತೋಲೆ ಸಂಖ್ಯೆ ಆರ್. ಡಿ 7 ಎಲ್ ಜಿ ಪಿ 95 ದಿ:07-06-1999
- 2) ಸರ್ಕಾರದ ಸುತ್ತೋಲೆ ಪತ್ರ ಸಂಖ್ಯೆ ಆರ್. ಡಿ.56 ಎಲ್.ಜಿ. ಪಿ:2008 ದಿ: 10-9-2008 ಮತ್ತು 24-9-2008.
- 3) ತಹಶೀಲ್ದಾರ್ - ಬೆಂಗಳೂರು ಉತ್ತರ (ಅಪರ) ತಾಲ್ಲೂಕು ರವರ ವರದಿ ಸಂಖ್ಯೆ.ಎ.ಎಲ್.ಎನ್ (ಎನ್.ಎ.ವೈ) ಎಸ್ಆರ್/162/14-15 ದಿನಾಂಕ:06/04/2015
- 4) ಸಹಾಯಕ ನಿರ್ದೇಶಕರು(ಪಶ್ಚಿಮ) ನಗರ ಯೋಜನಾ ವಿಭಾಗ, ಬೆಂಗಳೂರು ಅಭಿವೃದ್ಧಿ ಪ್ರಾಧಿಕಾರ, ಬೆಂಗಳೂರುರವರ ಪತ್ರದ ಸಂ:ಬೆಂಆರ್/ನಯೋಸ/ಸಿಟಿಎನ್/238/289/14-15, ದಿ: 13/06/2014 ಮತ್ತು ಆಯುಕ್ತರು, ಬೆಂಗಳೂರು ಅಭಿವೃದ್ಧಿ ಪ್ರಾಧಿಕಾರ, ಬೆಂಗಳೂರು ರವರ ಪತ್ರದ ಸಂ: ಬೆಂಆರ್/ಆಯುಕ್ತರು/23/15-16, ದಿ:30/04/2015, ಬೆಂಆರ್/ಆಯುಕ್ತರು/59/15-16, ದಿ:16/6/2015, ಮತ್ತು ಬೆಂಆರ್/ಆಯುಕ್ತರು/1310/15-16, ದಿ: 5/12/2015 ಹಾಗೂ ಪರಿಸರ ಅಧಿಕಾರಿ, ಯಲಹಂಕ ರವರ ಪತ್ರ ಸಂ:ಮಾನಿಮಂ/ಯಲಹಂಕ/2015-16/1551, ದಿ:8/5/2015
- 5) ಭೂ ಪರಿವರ್ತನಾ ಶುಲ್ಕ ರೂ. 3,60,732/- ಮತ್ತು ಫೋಡಿ ಶುಲ್ಕ ರೂ. 55/- ಒಟ್ಟು 3,60,787/-, ರೂಗಳನ್ನು ಚಲನ ನಂ. 5/307 ರಂತೆ ದಿನಾಂಕ : 17/12/2015 ರಂದು ಎಸ್.ಬಿ.ಎಂ. ಬೆಂಗಳೂರು ಇಲ್ಲಿ ಅರ್ಜಿದಾರರು ಜಮಾ ಮಾಡಿರುತ್ತಾರೆ.

ಕರ್ನಾಟಕ ಭೂ ಕಂದಾಯ ಅಧಿನಿಯಮ 1964 ಕಲಂ 95(2), 95(4) ಮತ್ತು 95(7)ರ ಷರತ್ತುಗಳು ಹಾಗೂ ಈ ಕೆಳಕಂಡ ಷರತ್ತುಗಳಿಗೊಳಪಡಿಸಿ, ಕರ್ನಾಟಕ ಭೂ ಕಂದಾಯ (ತಿದ್ದುಪಡಿ) ನಿಯಮಗಳು 1994ರ ನಿಯಮ 107(1)ರಂತೆ ವಾಸದ ಉದ್ದೇಶಕ್ಕೆ ಎಕರೆ ಒಂದಕ್ಕೆ ರೂ 54,450/- (ಐವತ್ತಾಲ್ಪು ಸಾವಿರದ ನಾಲ್ಕು ನೂರ ಐವತ್ತು ರೂಪಾಯಿಗಳು ಮಾತ್ರ) ಗಳಂತೆ ಅರ್ಜಿದಾರರು ಉಲ್ಲೇಖ (5) ರಲ್ಲಿ ನಮೂದಿಸಿರುವಂತೆ ಹಣವನ್ನು ಜಮಾ ಮಾಡಿದ ಮೇರೆಗೆ ಅರ್ಜಿದಾರರಾದ ಶ್ರೀ ಬಿ.ಎಸ್. ಪ್ರಸನ್ನಕುಮಾರ್ ಬಿನ್ ಲೇಟ್ ಬಿ.ಎಂ. ಶ್ರೀನಿವಾಸಗೌಡ, ನಂ. 36, ದೊಡ್ಡಬೆಟ್ಟಹಳ್ಳಿ, ವಿದ್ಯಾರಣ್ಯಪುರ ಅಂಚೆ, ಬೆಂಗಳೂರು ರವರ ಅರ್ಜಿಯನ್ನು ಪರಿಗಣಿಸಿ, ಬೆಂಗಳೂರು ಉತ್ತರ (ಅಪರ) ತಾಲ್ಲೂಕು, ಯಲಹಂಕ ಹೋಬಳಿ, ಶ್ಯಾಮರಾಜಪುರ ಗ್ರಾಮದ ಸರ್ವೆ ನಂ. 6 ರಲ್ಲಿ 6-25 ಎ/ಗುಂಟೆ ವಿಸ್ತೀರ್ಣದ ವ್ಯವಸಾಯದ ಜಮೀನನ್ನು ವ್ಯವಸಾಯೇತರ ವಾಸದ ಉದ್ದೇಶಕ್ಕಾಗಿ ಬಳಸಲು ಈ ಕೆಳಕಂಡ ಷರತ್ತುಗಳಿಗೆ ಒಳಪಟ್ಟು ಭೂ ಪರಿವರ್ತನಾ ಆದೇಶವನ್ನು ಹೊರಡಿಸಲಾಗಿದೆ.

- 1 ಈ ಭೂಮಿಯು ಯಾವ ಉದ್ದೇಶಕ್ಕಾಗಿ ಪರಿವರ್ತನೆಯಾಗಿದೆಯೋ ಆ ಉದ್ದೇಶಕ್ಕಾಗಿ ಉಪಯೋಗಿಸಿಕೊಳ್ಳಲು ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರಿಯಿಂದ ಅಂದರೆ ಬೆಂಗಳೂರು ಅಭಿವೃದ್ಧಿ ಪ್ರಾಧಿಕಾರ /ಬಿ.ಎಂ.ಆರ್.ಡಿ.ಎ (ಸ್ಥಳೀಯ ಯೋಜನಾ ಪ್ರಾಧಿಕಾರ),ಬಿ.ಎಂ.ಐ.ಸಿ.ಎ.ಪಿ.ಎ/ಮಾಲಿನ್ಯ ನಿಯಂತ್ರಣ ಮಂಡಳಿ ರವರಿಂದ ಮಂಜೂರಾತಿಯನ್ನು ಪಡೆಯದ ಹೊರತು ಈ ಆದೇಶವು ಅನುಭವದಾರನಿಗೆ ಯಾವುದೇ ಹಕ್ಕನ್ನು ನೀಡುವುದಿಲ್ಲ.
- 2 ಈ ಪರಿವರ್ತಿತ ಜಮೀನನ್ನು ವ್ಯವಸಾಯೇತರ ವಾಸದ ಉದ್ದೇಶಕ್ಕಾಗಿ ಮಾತ್ರ ಉಪಯೋಗಿಸಿಕೊಳ್ಳತಕ್ಕದ್ದು, ಈ ಜಮೀನನ್ನು ಪೂರ್ವಾನುಮತಿ ಇಲ್ಲದೆ ಬೇರೆ ಉದ್ದೇಶಕ್ಕಾಗಿ ಉಪಯೋಗಿಸಿಕೊಳ್ಳಬಾರದು.
- 3 ಈ ಜಮೀನಿನಲ್ಲಿ ಉದ್ದೇಶಿಸಿರುವ ಬಡಾವಣೆ ನಕ್ಷೆ ಹಾಗೂ ಪರವಾನಗಿ ಇತ್ಯಾದಿಗಳನ್ನು ಬೆಂಗಳೂರು ಅಭಿವೃದ್ಧಿ ಪ್ರಾಧಿಕಾರ/ಬಿ.ಎಂ.ಎಪಿಎ/ಬಿ.ಎಂ.ಆರ್.ಡಿ.ಎ (ಸ್ಥಳೀಯ ಯೋಜನಾ ಪ್ರಾಧಿಕಾರ), ಬಿ.ಎಂ.ಐ.ಸಿ. ಎ.ಪಿ.ಎ /ಪ್ರಾಧಿಕಾರದಿಂದ ಅನುಮೋದಿಸಿಕೊಂಡು ಆ ನಂತರ ಅನುಮೋದನೆಗೊಂಡ ನಕ್ಷೆಗೆ ಅನುಗುಣವಾಗಿ ಕಟ್ಟಡವನ್ನು ಕಟ್ಟುವುದು. ಸದರಿ ಜಮೀನಿನಲ್ಲಿ ಲೇಔಟ್ ಪ್ಲಾನಿಗೆ ಅನುಮೋದನೆ ಪಡೆಯದೆ ಪರಭಾರೆ ಮಾಡಕೂಡದು.
- 4 ಇತರೆ ಅವಶ್ಯವಾದ ರಸ್ತೆ ಜಾಗ, ರಸ್ತೆ ಮಾರ್ಜಿನ್, ಉದ್ಯಾನವನ, ಸಿ.ಎ ನಿವೇಶನ, ಖಾಲಿ ಜಾಗ ಇತ್ಯಾದಿಗಳನ್ನು ಬೆಂಗಳೂರು ಅಭಿವೃದ್ಧಿ ಪ್ರಾಧಿಕಾರ /ಬಿ.ಎಂ.ಎಪಿಎ /ಬಿ.ಎಂ.ಆರ್.ಡಿ.ಎ (ಸ್ಥಳೀಯ ಯೋಜನಾ ಪ್ರಾಧಿಕಾರ) ಬಿ.ಎಂ.ಐ.ಸಿ.ಎ.ಪಿ.ಎ ಪ್ರಾಧಿಕಾರದಿಂದ ಅನುಮೋದಿಸಿದ ಬಡಾವಣೆ ನಕ್ಷೆ ಪ್ರಕಾರ ಹಾಗೂ ನಿರ್ದಿಷ್ಟ ಪಡಿಸಿದ ನಿಯಮಗಳ ರೀತ್ಯಾ ಸದರಿ ಉದ್ದೇಶಕ್ಕಾಗಿ ಕಾಯ್ದಿರಿಸತಕ್ಕದ್ದು.

- 5 ಸಂಬಂಧಪಟ್ಟ ಪ್ರಾಧಿಕಾರದಿಂದ ಅನುಮೋದಿತ ನಕ್ಷೆ ಪಡೆಯದೆ ನಿವೇಶನಗಳನ್ನು/ ಕಟ್ಟಡಗಳನ್ನು ಸಂಬಂಧಪಟ್ಟ ನೋಂದಾವಣಾಧಿಕಾರಿಗಳಿಂದ/ಉಪನೋಂದಣಾಧಿಕಾರಿಗಳಿಂದ ನೋಂದಾವಣೆ ಮಾಡತಕ್ಕದ್ದಲ್ಲ, ಖಾತೆದಾರರು ಒಂದು ವೇಳೆ ಭೂ ಪರಿವರ್ತನೆ ಮಂಜೂರು ಮಾಡಿರುವ ಜಮೀನಿಗೆ ಪೂರಾ ವಿಸೇರ್ಣವನ್ನು ಮಾರಾಟ ಮಾಡಲು ಉದ್ದೇಶಿಸಿದ್ದಲ್ಲಿ ಈ ಆದೇಶ ಅಡ್ಡಿ ಬರುವುದಿಲ್ಲ.
- 6 ಸಾರ್ವಜನಿಕ ಹಿತದೃಷ್ಟಿಯಿಂದ ಸದರಿ ಜಮೀನಿನಲ್ಲಿ ನಿವೇಶನದಾರರಿಗೆ ನಾಗರಿಕ ಸೌಲಭ್ಯಗಳಾದ ವಿದ್ಯುಚ್ಛಕ್ತಿ, ನೀರು ಸರಬರಾಜು, ಒಳಚರಂಡಿ ವ್ಯವಸ್ಥೆ ಇತ್ಯಾದಿಗಳನ್ನು ಆರೋಗ್ಯ ನೈರ್ಮಲೀಕರಣ ಹಾಗೂ ಭದ್ರತೆಗಳ ಉದ್ದೇಶದಿಂದ ಎಲ್ಲಾ ಸೌಲಭ್ಯಗಳನ್ನು ಕಾನೂನು ರೀತ್ಯಾ ಒದಗಿಸಿಕೊಡುವುದು ಅರ್ಜಿದಾರರ ಜವಾಬ್ದಾರಿಯಾಗಿರುತ್ತದೆ.
- 7 ಶ್ಯಾಮರಾಜಪುರ ಗ್ರಾಮದ ಸ.ನಂ: 6 ರಲ್ಲಿ ಕಾಲುದಾರಿ ಬಗ್ಗೆ 0-01 ಗುಂಟೆ ಬಿ ಖರಾಬು ಇದ್ದು, ಇದನ್ನು ಕರ್ನಾಟಕ ಭೂ ಕಂದಾಯ ಕಾಯಿದೆ 1964 ರ ಕಲಂ 67 ರಂತೆ ಸರ್ಕಾರಕ್ಕೆ ಕಾಯ್ದಿರಿಸತಕ್ಕದ್ದು. ತಹಶೀಲ್ದಾರರವರು ಈ ಬಾಬು ಆರ್.ಟಿ.ಸಿ.ಯಲ್ಲಿ ಸ್ಪಷ್ಟವಾಗಿ ನಮೂದಿಸತಕ್ಕದ್ದು.
- 8 ಸರ್ಕಾರದ ಆದೇಶ ಸಂಖ್ಯೆ: ಪಿಡಬ್ಲ್ಯುಡಿ:7556-665 ಆರ್ ಮತ್ತು ಬಿ-6-54-5 ಮತ್ತು ಕೇಂದ್ರ ಸರ್ಕಾರದ ಸಾರಿಗೆ ಇಲಾಖೆಯ ಪತ್ರದ ನಂ.ಪಿ 1/7(11) 67, ದಿನಾಂಕ: 1.1.1966 ರಂತೆ ಸರ್ಕಾರವು ಕಾಲಕಾಲಕ್ಕೆ ನೀಡುವ ಆದೇಶದಂತೆ ಈ ಜಮೀನಿನಲ್ಲಿ ಕಟ್ಟಲು ಉದ್ದೇಶಿಸಿರುವ ಕಟ್ಟಡವು ರಾಷ್ಟ್ರೀಯ ಹಾಗೂ ರಾಜ್ಯ ಹೆದ್ದಾರಿಗಳಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ರಸ್ತೆಯ ಮಧ್ಯಭಾಗದಿಂದ 40 ಮೀಟರ್‌ಗಳ ಅಂತರವನ್ನು ಮತ್ತು ಜಿಲ್ಲಾ ಹೆದ್ದಾರಿಗೆ ಹಾಗೂ ರಾಜ್ಯ ಹೆದ್ದಾರಿಗಳಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ರಸ್ತೆಯ ಮಧ್ಯಭಾಗದಿಂದ 25 ಮೀಟರ್‌ಗಳ ಅಂತರವನ್ನು ಕಾದಿರಿಸಬೇಕು ಹಾಗೂ ಈ ಖಾಲಿ ಪ್ರದೇಶದಲ್ಲಿ ಯಾವುದೇ ಕಟ್ಟಡವನ್ನು ಕಟ್ಟಬಾರದು.
- 9 ಈ ಭೂ ಪರಿವರ್ತನಾ ಜಮೀನಿನಲ್ಲಿ ಸ್ಥಾಪಿಸಲಾಗುವ ಕೈಗಾರಿಕಾ ಘಟಕಗಳು ಹೊರದೂಡುವ ಹೊಗೆ, ಅನಿಲ, ಇತರೆ ಕಲ್ಮಶಗಳನ್ನು ಪರಿಣಾಮಕಾರಿಯಾಗಿ ತಡೆಗಟ್ಟಿ ಸಾರ್ವಜನಿಕರ ಆರೋಗ್ಯಕ್ಕೆ ಯಾವುದೇ ರೀತಿಯ ಹಾನಿಯಾಗದಂತೆ ಹಾಗೂ ಪರಿಸರ ಮಾಲಿನ್ಯವಾಗದಂತೆ ನೋಡಿಕೊಳ್ಳತಕ್ಕದ್ದು. ಕೈಗಾರಿಕಾ ಉದ್ದೇಶಕ್ಕಾಗಿ ಭೂ ಪರಿವರ್ತಿತ ಜಮೀನಿನಲ್ಲಿ ಸ್ಥಾಪಿಸುವ ಕೈಗಾರಿಕಾ ಘಟಕಗಳು ಕರ್ನಾಟಕ ಮಾಲಿನ್ಯ ನಿಯಂತ್ರಣ ಮಂಡಳಿ ಹಾಗೂ ಪರಿಸರ ಇಲಾಖೆಯ ಅನುಮತಿ ಹೊಂದಿರತಕ್ಕದ್ದು.
- 10 ಈ ಆದೇಶವು ಸದರಿ ಜಮೀನಿಗೆ ಸಂಬಂಧಪಟ್ಟಂತೆ ಯಾವುದೇ ನ್ಯಾಯಾಲಯದಲ್ಲಿನ ದಾವ/ ರಿಟ್ ಅರ್ಜಿ - ಮೇಲ್ಮನವಿಯ ತೀರ್ಪಿಗೆ ಒಳಪಟ್ಟಿರುತ್ತದೆ.

- 11 ಪ್ರಸ್ತಾವಿತ ಜಮೀನಿನ ಬಗ್ಗೆ ಯಾವುದೇ ಭೂ ಸ್ವಾಧೀನ ಪ್ರಕ್ರಿಯೆಗೆ ಒಳಪಟ್ಟಿದ್ದಲ್ಲಿ ಈ ಪ್ರಾಧಿಕಾರವು ಜವಾಬ್ದಾರಿಯಾಗುವುದಿಲ್ಲ.
- 12 ಪರಿಷ್ಕೃತ ಮಾಸ್ಟರ್ ಪ್ಲಾನ್ -2015 ರಲ್ಲಿ ಸೂಕ್ಷ್ಮ ವಲಯ (Sensitive Zone) ನಲ್ಲಿ ಬರುವ ಪ್ರದೇಶಗಳಿಗೆ ಸಂಬಂಧಪಟ್ಟ ಪ್ರಾಧಿಕಾರದ ಪೂರ್ವಾನುಮತಿ ಇಲ್ಲದೇ ಉದ್ದೇಶಿತ ಜಾಗದಲ್ಲಿ ಯಾವುದೇ ರೀತಿಯ ಅಭಿವೃದ್ಧಿಯನ್ನು ಕೈಗೊಳ್ಳಬಾರದು.
- 13 ಉದ್ದೇಶಿತ ಜಾಗದಲ್ಲಿ ಯಾವುದೇ ರೀತಿಯ ಅಭಿವೃದ್ಧಿ ಚಟುವಟಿಕೆಗಳನ್ನು ಕೈಗೊಳ್ಳಬೇಕಾದಲ್ಲಿ ಪ್ರಾಧಿಕಾರದಿಂದ ರಚಿತವಾದ ಉಪ ಸಮಿತಿಯ ನಿರ್ಣಯದಂತೆ ನಕ್ಷೆಗಳನ್ನು ಅನುಮೋದಿಸಿಕೊಳ್ಳತಕ್ಕದ್ದು.
- 14 ಅರ್ಜಿದಾರರು ಯಾವುದೇ ಸತ್ಯಾಂಶಗಳನ್ನು ಮರೆ ಮಾಚಿ, ಅನಧಿಕೃತ ದಾಖಲೆಗಳ ಮೇಲೆ ಈ ಅಧಿಕೃತಜ್ಞಾಪನ ಪಡೆದಿರುವುದು ಸ್ಪಷ್ಟಪಟ್ಟಲ್ಲಿ ತನ್‌ತಾನೆ ರದ್ದುಗೊಳ್ಳುತ್ತದೆ. ಹಾಗೂ ಇದರಿಂದ ಅರ್ಜಿದಾರರಿಗಾಗಲೀ ಅಥವಾ ಅವರ ಉತ್ತರಾಧಿಕಾರಿಗಳಿಗಾಗಲೀ ಆಗುವ ಯಾವುದೇ ಲುಕ್ಸಾನಿಗೆ ಸರ್ಕಾರವಾಗಲೀ ಅಥವಾ ಈ ಪ್ರಾಧಿಕಾರವಾಗಲೀ ಯಾವುದೇ ರೀತಿಯ ಜವಾಬ್ದಾರರಾಗಿರುವುದಿಲ್ಲ. ಇದರ ಪೂರ್ಣ ಹೊಣೆಗಾರಿಕೆ ಅರ್ಜಿದಾರರದ್ದೇ ಆಗಿರುತ್ತದೆ.
- 15 ಪ್ರಶ್ನಿತ ಜಮೀನು ಮಂಜೂರಾದ ಸರ್ಕಾರಿ ಜಮೀನಾಗಿದ್ದಲ್ಲಿ, ತಕ್ಷಣವೇ ಪಕ್ಕ ಪೋಡಿ ಮಾಡಿಸುವ ಷರತ್ತಿಗೆ ಒಳಪಟ್ಟಿರುತ್ತದೆ.
- 16 ಪ್ರಶ್ನಿತ ಜಾಗದಲ್ಲಿ ಸರ್ಕಾರಿ ಜಮೀನು ವ್ಯಾಪ್ತಿಗೆ ಒಳಪಟ್ಟಿದ್ದಲ್ಲಿ ಕರ್ನಾಟಕ ಭೂ ಕಂದಾಯ ಕಾಯ್ದೆ 1964ರ ಕಲಂ 136(3) ರ ಅಡಿ ವಿಚಾರಣೆ ನಡೆಸಿ ಹೊರಡಿಸುವ ತೀರ್ಮಾನಕ್ಕೆ ಒಳಪಟ್ಟಿರುತ್ತದೆ.
- 17 ಸಹಾಯಕ ನಿರ್ದೇಶಕರು(ಪಶ್ಚಿಮ), ನಗರ ಯೋಜನಾ ವಿಭಾಗ, ಬೆಂಗಳೂರು ಅಭಿವೃದ್ಧಿ ಪ್ರಾಧಿಕಾರ, ಬೆಂಗಳೂರು ರವರ ದಿ: 13/06/2014ರ ಪತ್ರದಲ್ಲಿ ತಿಳಿಸಿರುವ ಷರತ್ತುಗಳಿಗೆ ಒಳಪಟ್ಟಿರುತ್ತದೆ.
- 18 ಮೇಲ್ಕಂಡ ಯಾವುದೇ ಷರತ್ತುಗಳನ್ನು ಉಲ್ಲಂಘಿಸಿದಲ್ಲಿ ಈ ಭೂ ಪರಿವರ್ತನೆ ಆದೇಶ ಯಾವುದೇ ಸೂಚನೆ ನೀಡದೆ ರದ್ದುಗೊಳಿಸಲಾಗುವುದು ಮತ್ತು ಕರ್ನಾಟಕ ಭೂ ಕಂದಾಯ ಕಾಯ್ದೆ 1964ರ ಕಲಂ 96 ರಂತೆ ದಂಡ ಶುಲ್ಕವನ್ನು ವಿಧಿಸಲು ಮುಂದಿನ ಕ್ರಮತೆಗೆದುಕೊಳ್ಳಲಾಗುವುದು. ಅಲ್ಲದೆ ಈ ಜಮೀನಿನಲ್ಲಿ ಈ ಅನಧಿಕೃತವಾಗಿ ಕಟ್ಟಿದ ಕಟ್ಟಡಗಳನ್ನು ಯಾವುದೇ ಪರಿಹಾರ ನೀಡದೆ ಕೆಡವಲು ಕ್ರಮ ತೆಗೆದುಕೊಳ್ಳಲಾಗುವುದು ಹಾಗೂ ಅದಕ್ಕೆ ತಗಲುವ ವೆಚ್ಚವನ್ನು ಭೂ ಕಂದಾಯ ಬಾಕಿ ಎಂದು ಖಾತೆದಾರರಿಂದ ವಸೂಲಿ ಮಾಡಲಾಗುವುದು.

19 ಈ ಆದೇಶವು ಸರ್ಕಾರದಿಂದ/ ಘನ ಮೇಲ್ಮನವಿ ನ್ಯಾಯಾಲಯದಲ್ಲಿ ಆಗಬಹುದಾದ ಯಾವುದೇ ಆದೇಶಕ್ಕೆ ಒಳಪಟ್ಟಿರುತ್ತದೆ.

:: ಷೆಡ್ಯೂಲ್ ವಿವರ ::

ಬೆಂಗಳೂರು ಜಿಲ್ಲೆ, ಬೆಂಗಳೂರು ಉತ್ತರ (ಅಪರ) ತಾಲ್ಲೂಕು, ಯಲಹಂಕ ಹೋಬಳಿ, ಶ್ಯಾಮರಾಜಪುರ ಗ್ರಾಮದ ಸ.ನಂ. 6 ರಲ್ಲಿ 6-25 ಎ/ಗುಂಟೆ ವಿಸ್ತೀರ್ಣದ ವ್ಯವಸಾಯದ ಜಮೀನನ್ನು ವ್ಯವಸಾಯೇತರ ವಾಸದ ಉದ್ದೇಶದ ಭೂ ಪರಿವರ್ತಿತ ಜಮೀನಿಗೆ

:: ಚಕ್ರಬಂಧಿ ::

ಸ.ನಂ.	ಪೂರ್ವಕ್ಕೆ	ಪಶ್ಚಿಮಕ್ಕೆ	ಉತ್ತರಕ್ಕೆ	ದಕ್ಷಿಣಕ್ಕೆ
6	ರೀ ಸ.ನಂ. 5ರ ಬಾಬ್ರು ಜಮೀನು	ರೀ ಸ.ನಂ. 7ರ ಬಾಬ್ರು ಜಮೀನು	ವೀರಸಾಗರ ಗ್ರಾಮದ ಗಡಿ & ರಸ್ತೆ	ಮೊಡ್ಡಬೆಟ್ಟಹಳ್ಳಿ ಗಡಿ

ಸಹಿ/-

(ವಿ. ಶಂಕರ್)

ಜಿಲ್ಲಾಧಿಕಾರಿಗಳು

ಬೆಂಗಳೂರು ಜಿಲ್ಲೆ, ಬೆಂಗಳೂರು

During the subsistence of all these proceedings, the preliminary notification had been questioned before this Court in several writ petitions. The learned single Judge in Writ Petition No.55863-55865 of 2014 allows the writ petitions by setting aside the preliminary notification seeking acquisition. The order passed by the learned single Judge reads as follows:

"4. The respondents have filed the objection statement. In the objection statement it is contended that since there were large extents of lands which had been notified, the respondents

require sometime to go through the process and thereafter complete the acquisition proceedings.

5. In that background, I do not propose to refer to the contentions in detail for the reason that in respect of the very same notification, this Court had made a detailed consideration in W.P.No.9640 of 2014 and connected petitions on 26-11-2014. During the said consideration, this Court had taken note of contention put forth on behalf of the respondents with regard to the delay that has occasioned in the process as there were certain deletions at the initial stages and when subsequent deletions were made by the Land Acquisition Officer, the Government has initiated enquiries in that regard and therefore there was delay. This Court having not accepted such contention and further relying on a decision of this Court had arrived at the conclusion that the delay as explained by the respondents is not acceptable and therefore, the notification insofar as the lands of the petitioners therein was held as lapsed. Since in the instant case also the position is not different from the said cases, a similar consideration requires to be made.

6. Accordingly, the notification dated 30-12-2008 assailed in these petitions is held as having lapsed as against the lands of the petitioners referred to in these petitions which were included in the said notification.

In terms of the above, these petitions are allowed to that extent.

In view of the disposal of the main petition, I.A.No.2/ 2014 for dispensation also stands disposed of."

A Writ Appeal comes to be preferred by the BDA assailing the order passed by the learned single Judge *supra*. The Writ Appeal comes to be dismissed on 28-04-2017, by the following order:

"2. As prayed for by Mr. G.S. Kannur, learned Advocate appearing for the appellants, the appeal is taken up for preliminary hearing.

3. The writ petitioner assailed a notification dated December 30, 2008, proposing to acquire the land for formation of a layout. The preliminary notification was issued on December 30, 2008. Thereafter, neither the final notification was issued nor possession was taken. Consequently, the Hon'ble single Judge held that as within the reasonable time, no further action was taken, the proposal for acquisition got lapsed.

4. We do not find any merit in the appeal

5. The application for condonation of delay in filing the appeal is dismissed. Consequently, the appeal is, also dismissed."

BDA challenges both the orders in several cases before the Apex Court. The Apex Court in the case of **BANGALORE DEVELOPMENT AUTHORITY V. STATE OF KARNATAKA**¹ (Civil Appeal Nos.7661-63 of 2018 and connected cases decided on 03-08-2018) sets aside both the orders of this Court and issues several directions holding:

"....

15. First, we take up the question as to whether the High Court was legally justified on merits in quashing the preliminary notification issued under Section 17. The Constitution Bench of this Court in *Offshore Holdings (P) Ltd.* [*Offshore Holdings (P) Ltd. v. BDA*, (2011) 3 SCC 139; (2011) 1 SCC (Civ) 662] has decided the question affirmatively. The BDA has issued preliminary notification for acquisition of the lands. Non-finalisation of the acquisition proceedings resulted in the filing of the writ petitions before the High Court of Karnataka by the

¹ **(2018) 9 SCC 122**

owners in the year 1987. Certain lands were denotified and the permission which was granted earlier was withdrawn. The denotification of the land was also withdrawn. It was urged that the time-frame which was prescribed under Sections 6 and 11-A of the LA Act would form an integral part of the BDA Act. This Court considered the scheme under the BDA Act and has observed thus: (SCC pp. 158-59, 162, 164-66 & 192, paras 33, 35, 50, 55, 123, 124 & 125)

"33. The provisions of the Land Acquisition Act, which provide for time-frame for compliance and the consequences of default thereof, are not applicable to acquisition under the BDA Act. They are Sections 6 and 11-A of the Land Acquisition Act. As per Section 11-A, if the award is not made within a period of two years from the date of declaration under Section 6, the acquisition proceedings will lapse. Similarly, where declaration under Section 6 of this Act is not issued within three years from the date of publication of notification under Section 4 of the Land Acquisition Act [such notification being issued after the commencement of the Land Acquisition (Amendment and Validation) Ordinance, 1967 but before the commencement of Central Act 68 of 1984] or within one year where Section 4 notification was published subsequent to the passing of Central Act 68 of 1984, no such declaration under Section 6 of the Land Acquisition Act can be issued in any of these cases.

35. Be that as it may, it is clear that the BDA Act is a self-contained code which provides for all the situations that may arise in planned development of an area including acquisition of land for that purpose. The scheme of the Act does not admit any necessity for reading the provisions of Sections 6 and 11-A of the Land Acquisition Act, as part and parcel of the BDA Act for attainment of its object. The primary object of the State Act is to carry out planned development and acquisition is a mere incident of such planned development. The provisions of the Land Acquisition Act, where the land is to be acquired for a specific public purpose and acquisition is the sum and substance of that Act, all matters in relation to the acquisition of land will be regulated by the provisions of that Act. The State Act has provided its own scheme and provisions for acquisition of land.

50. Applying the above principle to the facts of the case in hand, it will be clear that the provisions relating to acquisition like passing of an award, payment of compensation and the legal remedies available under the Central Act would have to be applied to the acquisitions under the State Act but the bar contained in Sections 6 and 11-A of the Central Act cannot be made an integral part of the State Act as the State Act itself has provided specific time-frames under its various provisions as well as consequences of default thereto. The scheme, thus, does not admit such incorporation.

55. The principle stated in *Munithimmaiah case* [*Munithimmaiah v. State of Karnataka*, (2002) 4 SCC 326] that the BDA Act is a self-contained code, was referred with approval by a three-Judge Bench of this Court in *Bondu Ramaswamy* [*Bondu Ramaswamy v. BDA*, (2010) 7 SCC 129 : (2010) 3 SCC (Civ) 1] . The Court, inter alia, specifically discussed and answered the questions whether the provisions of Section 6 of the Land Acquisition Act will apply to the acquisition under the BDA Act and if the final declaration under Section 19(1) is not issued within one year of the publication of the notification under Section 17(1) of the BDA Act, whether such final declaration will be invalid and held as under: (*Bondu Ramaswamy case* [*Bondu Ramaswamy v. BDA*, (2010) 7 SCC 129 : (2010) 3 SCC (Civ) 1] , SCC p. 170, paras 79-81)

'79. This question arises from the contention raised by one of the appellants that the provisions of Section 6 of the Land Acquisition Act, 1894 ("the LA Act", for short) will apply to the acquisitions under the BDA Act and consequently if the final declaration under Section 19(1) is not issued within one year from the date of publication of the notification under Sections 17(1) and (3) of the BDA Act, such final declaration will be invalid. The appellants' submissions are as under: the notification under Sections 17(1) and (3) of the Act was issued and gazetted on 3-2-2003 and the declaration under Section 19(1) was issued and published on 23-2-2004. Section 36 of the Act provides that the acquisition of land under the BDA Act within or outside the Bangalore Metropolitan Area, shall be regulated by the provisions of the LA Act, so far as they are applicable. Section 6 of the LA Act requires that no

declaration shall be made, in respect of any land covered by a notification under Section 4 of the LA Act, after the expiry of one year from the date of the publication of such notification under Section 4 of the LA Act. As the provisions of the LA Act have been made applicable to acquisitions under the BDA Act, it is necessary that the declaration under Section 19(1) of the BDA Act (which is equivalent to the final declaration under Section 6 of the LA Act) should also be made before the expiry of one year from the date of publication of notification under Sections 17(1) and (3) of the BDA Act [which is equivalent to Section 4(1) of the LA Act].

80. The BDA Act contains provisions relating to acquisition of properties, up to the stage of publication of final declaration. The BDA Act does not contain the subsequent provisions relating to completion of the acquisition, that is, issue of notices, enquiry and award, vesting of land, payment of compensation, principles relating to determination of compensation, etc. Section 36 of the BDA Act does not make the LA Act applicable in its entirety, but states that the acquisition under the BDA Act, shall be regulated by the provisions, so far as they are applicable, of the LA Act. Therefore, it follows that where there are already provisions in the BDA Act regulating certain aspects or stages of acquisition or the proceedings relating thereto, the corresponding provisions of the LA Act will not apply to the acquisitions under the BDA Act. Only those provisions of the LA Act, relating to the stages of acquisition, for which there is no provision in the BDA Act, are applied to the acquisitions under the BDA Act.

81. The BDA Act contains specific provisions relating to preliminary notification and final declaration. In fact the procedure up to final declaration under the BDA Act is different from the procedure under the LA Act relating to acquisition proceedings up to the stage of final notification. Therefore, having regard to the scheme for acquisition under Sections 15 to 19 of the BDA Act and the limited application of the LA Act in terms of Section 36 of the BDA Act, the provisions of Sections 4 to 6 of the LA Act will not apply to the acquisitions under the BDA Act. If Section 6 of the LA Act is not made applicable, the question of amendment to Section 6 of the LA Act providing a time-limit for issue of final declaration, will also not apply.'

We may notice that, in the above case, the Court declined to examine whether the provisions of Section 11-A of the Central Act would apply to the acquisition under the BDA Act but categorically stated that Sections 4 and 6 of the Central Act were inapplicable to the acquisition under the BDA Act.

123. Accepting the argument of the appellant would certainly frustrate the very object of the State law, particularly when both the enactments can peacefully operate together. To us, there appears to be no direct conflict between the provisions of the Land Acquisition Act and the BDA Act. *The BDA Act does not admit reading of provisions of Section 11-A of the Land Acquisition Act into its scheme as it is bound to debilitate the very object of the State law.* Parliament has not enacted any law with regard to development the competence of which, in fact, exclusively falls in the domain of the State Legislature with reference to Schedule VII List II Entries 5 and 18.

124. Both these laws cover different fields of legislation and do not relate to the same List, leave apart the question of relating to the same entry. *Acquisition being merely an incident of planned development, the Court will have to ignore it even if there was some encroachment or overlapping.* The BDA Act does not provide any provision in regard to compensation and manner of acquisition for which it refers to the provisions of the Land Acquisition Act. There are no provisions in the BDA Act which lay down detailed mechanism for the acquisition of property, i.e. they are not covering the same field and, thus, there is no apparent irreconcilable conflict. The BDA Act provides a specific period during which the development under a scheme has to be implemented and if it is not so done, the consequences thereof would follow in terms of Section 27 of the BDA Act. None of the provisions of the Land Acquisition Act deals with implementation of schemes. We have already answered that the acquisition under the Land Acquisition Act cannot, in law, lapse if vesting has taken place. Therefore, the question of applying the provisions of Section 11-A of the Land Acquisition Act to the BDA Act does not arise. Section 27 of the BDA Act takes care of even the consequences of default, including the fate of acquisition, where vesting has not taken place under Section 27(3). Thus, there are no provisions under the two Acts which operate in the same field and have a direct irreconcilable conflict.

125. Having said so, now we proceed to record our answer to the question referred to the larger Bench as follows:

For the reasons stated in this judgment, we hold that the BDA Act is a self-contained code. Further, we hold that provisions introduced in the Land Acquisition Act, 1894 by Central Act 68 of 1984, limited to the extent of acquisition of land, payment of compensation and recourse to legal remedies provided under the said Act, can be read into an acquisition controlled by the provisions of the BDA Act but with a specific exception that the provisions of the Land Acquisition Act insofar as they provide different time-frames and consequences of default thereof, including lapsing of acquisition proceedings, cannot be read into the BDA Act. Section 11-A of the Land Acquisition Act being one of such provisions cannot be applied to the acquisitions under the provisions of the BDA Act.”

(emphasis supplied)

16. This Court has emphasised that the primary object of the BDA Act is to carry out planned development. The State Act has provided its own scheme. The time constraints of the land acquisition are not applicable to the BDA Act. Making applicable the time-frame of Section 11-A of the LA Act would debilitate the very object of the BDA Act. It is apparent that the decision of the Single Judge as well as the Division Bench is directly juxtaposed to the decision of the five-Judge Bench of this Court in *Offshore Holdings* [*Offshore Holdings (P) Ltd. v. BDA*, (2011) 3 SCC 139: (2011) 1 SCC (Civ) 662] in which precisely the question involved in the instant cases had been dealt with. By indirect method by making applicable the time period of two years of Section 11-A of the LA Act mandate of BDA Act has been violated. However, it is shocking that various decisions have been taken into consideration particularly by the Single Judge, however, whereas the decision that has set the controversy at rest, has not even been noticed even by the Single Judge or by the Division Bench. If this is the fate of the law of the land laid down by this Court that too the decision by the Constitution Bench, so much can be said but to exercise restraint is the best use of the power. Least said is better, the way in which the justice has been dealt with and the planned

development of Bangalore City has been left at the mercy of unscrupulous persons of the Government and the BDA.

17. It is apparent from the fact that the Single Judge has relied upon the decision in *H.N. Shivanna* [*H.N. Shivanna v. State of Karnataka*, 2012 SCC OnLine Kar 8956: (2013) 4 KCCR 2793] in which it was observed by the Division Bench that scheme was to be completed in 2 years otherwise it would lapse. It was precisely the question of time period which was dwelt upon and what was ultimately decided by this Court in *Offshore Holdings* [*Offshore Holdings (P) Ltd. v. BDA*, (2011) 3 SCC 139: (2011) 1 SCC (Civ) 662] has been blatantly violated by the Single Judge and that too in flagrant violation of the provisions and intendment of the Act.

18. It is also apparent from the facts and circumstances of the case that there were a large number of irregularities in the course of an inquiry under Section 18(1) of the BDA Act. The Government had nothing to do with respect to the release of the land at this stage, as the stage of final notification had not reached but still the landowners in connivance with the influential persons, political or otherwise, managed the directions in respect of 251 acres of the land and the Special Land Acquisition Collector also considered exclusion of 498 acres of the land against which the question was raised in the Assembly and eyebrows were raised in public domain. Two inquiries were ordered on 24-11-2012 and 19-1-2013 by the State Government and based upon that inquiry, it was ordered and a public notice was issued on 3-5-2014 that the BDA will consider the entire matter afresh.

19. In the aforesaid backdrop of the facts, the writ petitions came to be filed, it would not be termed to be the bona fide litigation, but was initiated having failed in attempt to get the land illegally excluded at the hands of the Special Land Acquisition Collector and the State Government and after the inquiries held in the matter and the notice was issued to start the proceedings afresh. At this stage, the writ petitions were filed. In the aforesaid circumstances, it was not at all open to the High Court to quash the preliminary notification issued under Section 17, as the landowners, the State Government and BDA were responsible to create a mess in the way of planned development of Bangalore City.

20. The scheme which was framed was so much benevolent scheme that 40% of the 55% of the land reserved for the residential purpose was to be given to the landowners at their choice and they were also given the choice to obtain the compensation, if they so desired, under the provisions of the LA Act. Thus, it was such a scheme that there was no scope for any exclusion of the land in the ultimate final notification.

21. It is apparent from the circumstances that the matter cannot be left at the mercy of unscrupulous authority of the BDA, the State Government or in the political hands. Considering the proper development and planned development of Bangalore City, let the Government issue a final notification with respect to the land which has been notified in the initial notification and there is no question of leaving out of the land in the instant case as option has been given to landowners to claim the land or to claim the compensation under the relevant LA Act which may be applicable in the case.

22. It was contended on behalf of the landowners that certain developments have taken place after the orders were passed regarding exclusion of the land and when Section 27 provides a limitation of five years after final notification, in case development was not undertaken within five years, even the final scheme would lapse. Thus, the principle enunciated in Section 27 should be followed by this Court with respect to the lapse of preliminary notification as well. We find that there is a vast difference in the provisions and action to be taken pursuant to the preliminary notification and the final notification under Section 19. In the instant case, the facts indicated that it was in the interest of the public, landowners, BDA and the State Government. The scheme had prior approval of the State Government however at the cost of public interest yet another scheme was sought to be frustrated by powerful unforeseen hands and the issuance of final notification had been delayed. Three inquiries were ordered, two by the State Government and one by the BDA as the release of the land was being proposed in an illegal manner. Hue and cry has been raised about their illegalities in the Assembly as well as in the public. Thus, for the delay, owners cannot escape the liability, they cannot take the advantage of their own wrong having acted in collusion with the authorities. Thus, we are of the considered opinion that in the

facts of the case the time consumed would not adversely affect the ultimate development of Bangalore City.

23. The authorities are supposed to carry out the statutory mandate and cannot be permitted to act against the public interest and planned development of Bangalore City which was envisaged as a statutory mandate under the BDA Act. The State Government, as well as the authorities under the BDA Act, are supposed to cater to the need of the planned development which is a mandate enjoined upon them and also binding on them. They have to necessarily carry it forward and no dereliction of duty can be an escape route so as to avoid fulfilment of the obligation enjoined upon them. The courts are not powerless to frown upon such an action and proper development cannot be deterred by continuing inaction. As the proper development of such metropolitan is of immense importance, the public purpose for which the primary notification was issued was in order to provide civic amenities like laying down roads, etc. which cannot be left at the whim or mercy of the authorities concerned. They were bound to act in furtherance thereof. There was a clear embargo placed while issuing the notification not to create any charge, mortgage, assign, issue or revise any improvement and after inquiry, it was clear that the notice had been issued in May 2014, thus, no development could have been made legally. Notification dated 3-5-2014 was issued that re-inquiry was necessary in the matter. The development made, if any, would be at the peril of the owners and it has to give way to larger welfare schemes and the individual interest and cannot come in the way of the larger public interest. The acquisition was for the proper and planned development that was an absolute necessity for the city of Bangalore.

24. In the circumstances, we have no hesitation in condoning the delay. Though, it is apparent that the authorities had come with certain delay, in certain matters and the writ appeals were also filed belatedly with the delay in the High Court, however, considering the provisions of the scheme and the method and manner, wrong has been committed, it has compelled us not only to condone the delay but also to act in the matter so as to preserve the sanctity of the legal process and decision of this Court in *Offshore Holdings* [*Offshore*

Holdings (P) Ltd. v. BDA, (2011) 3 SCC 139: (2011) 1 SCC (Civ) 662].

25. We, therefore, direct the State Government as well as the BDA to proceed further to issue final notification without any further delay in the light of the observations made in the order. The impugned orders passed by the Single Judge and the Division Bench are hereby quashed and set aside. The scheme and notification under Section 17 of the BDA Act are hereby upheld with the aforesaid directions.

26. As noticed above, the Land Acquisition Officer proposed exclusion of 251 acres of land from acquisition on being asked by the Government after the preliminary notification was issued. The Land Acquisition Officer, has considered another 498 acres of land to be excluded from being acquired. In connection to this, several questions were raised in the Karnataka Legislative Assembly, as a result of which two inquiries were ordered by the State Government i.e. on 24-11-2012 and 19-1-2013. However, result of the inquiry is not forthcoming. Further, it appears that the exclusion of the lands from acquisition was proposed in connivance with influential persons; political or otherwise. We are of the view that the BDA and the State Government have to proceed with the acquisition of these lands. We are also of the view that it is just and proper to hold an inquiry for fixing the responsibility on the officials of the BDA and the State Government for trying to exclude these lands from acquisition.

27. Therefore, we appoint Hon'ble Mr Justice K.N. Keshavanarayana, former Judge of the Karnataka High Court as the inquiry officer for fixing the responsibility on the officials of the BDA and the State Government who were responsible for the aforesaid. The Commissioner, BDA is hereby directed to consult the inquiry officer and pay his remuneration. Further, we direct BDA to provide appropriate secretarial assistance and logistical support to the inquiry officer for holding the inquiry. In addition, we authorise the inquiry officer to appoint requisite staff on temporary basis to assist him in the inquiry and to fix their salaries. Further, the BDA is directed to pay their salaries. The State Government and the BDA are directed to produce the files/documents in relation to the aforesaid lands before the inquiry officer within a period of four weeks from today. We

request the inquiry officer to submit his report to this Court as expeditiously as possible.

28. The State Government and the BDA are further directed to proceed with the acquisition of the aforementioned lands without excluding land from acquisition and submit a report to this Court the steps taken by them in this regard within a period of three months from today."

The Apex Court, on the reasons so rendered, directs the State Government and the BDA to proceed with the acquisition for the formation of layout without excluding any land from acquisition and submit a report to the Apex Court, the steps taken towards the said acquisition. It directed completion within 3 months.

9. Pursuant to the directions of the Apex Court, the BDA issues final notification. In the final notification, the axe falls on the land of the petitioner, as the Apex Court had directed that all the lands that had been given up be acquired, as the lands were given up illegally. Then comes a few miscellaneous applications in the disposed of case before the Apex Court. The Apex Court on the miscellaneous applications, to consider several nuances of the lands to be dropped from acquisition, appointed a Committee. The order directing constitution of the Committee reads as follows:

"1. Heard learned counsel for the parties and perused affidavit dated 26-11-2020, filed by the Commissioner, Bangalore Development Authority.

2. During the course of hearing, it is pointed out that after quashing of the preliminary notification by the High Court and before setting aside of the said order by this court, several constructions have been put up either by the land owners or purchasers of the sites from the land owners. It is submitted that these constructions are mainly dwelling houses. In this factual background, we are of the considered opinion that some protection against demolition of dwelling houses may be justified. Further the layout is meant for residential sites and this object of formation of layout would not be frustrated by saving lawfully constructed dwelling houses belonging to poor and middle income groups.

3. Judgment dated 03-08-2018, inter alia, observes that 45% of the land covered under the scheme was to be utilized for the civic amenities like play grounds, roads etc. and residential sites would be formed by utilizing remaining 55% of the land covered under the scheme. It is also clear that out of the said 55% of developed residential area, 40% of 55% will be offered as compensation to the land owners as specified in the scheme and remaining 60% of 55% will be the share of the Bangalore Development Authority (BDA). The land-owners would be given option to accept the developed eligible residential land or opt for compensation as per the Land Acquisition Act, 1894 (for short 'the LA Act').

4. Needless to state that the acquisition of the land under the BDA Act is regulated by the provisions of the LA Act so far as they are applicable. (See: Section 38 of the BDA Act). The borrowed provisions of LA act, become an integral part of the BDA Act and are totally unaffected by the repeal of the LA Act. In other words, the provisions of the LA Act are incorporated into the BDA Act so far as they are applicable. Of course, the bar contained in Sections 6 and 11-A of the LA Act, are not applicable to the BDA Act. We have discussed this aspect of the matter in our main judgment dated 3-08-2018. It is also clear that the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation & Resettlement Act, 2013 are not applicable for the acquisition made under the

BDA Act. Final notification has also been issued after the pronouncement of judgment by this court in Civil Appeal No(s). 7661-7663 of 2018 dated 3-08-2018. We direct the BDA to proceed with the acquisition of the land as proposed in the notification.

5. if the land-owner who has put up the construction opts for land by way of a developed plot in lieu of compensation, the constructed portion would be adjusted in the land that would be allotted in his favour. It is also clarified that the persons who have put up construction/ dwelling house are not entitled for compensation in respect of the constructed portion of the land. If the incentive scheme as per Bangalore Development Authority (Incentive Scheme for Voluntary Surrender of Land) Rules, 1989, is applied, the constructed portion can also be adjusted towards incentive site for voluntary surrender of land. However, where a person has constructed a dwelling house or any other building and where the constructed portion is not adjusted for any reason, betterment charges could be levied on him under Section 20 of the BDA Act. BDA is directed to integrate the said constructions into the layout.

6. As stated above, the buildings constructed in the layout with valid sanction/permission from the competent authority/authority(ies) needs to be saved from demolition. Therefore, it is important to identify the lawful constructions made in the notified lands. For this purpose, we appoint a Committee comprising Hon'ble Mr. Justice A.V. Chandrashekhara, former Judge of the Karnataka High Court, as its Chairman, Mr. Jayakar Jerome, former Commissioner of the BDA and Mr. S.T. Ramesh, former Director General of Police as its Members. The Committee is required to look into each of the requests of the owners of the dwelling houses/buildings for its regularization. The Committee should also find out whether the said dwelling houses/buildings have been constructed in accordance with the sanction/permission of the competent authorities. The constructions which have come up after the date of pronouncement of the judgment by this Court i.e., 3.08.2018, shall not be eligible for regularization. The Committee is permitted to devise its own mechanism/ procedure for holding the enquiry including issuing notices in the local newspapers in this regard. Final orders regarding dwelling houses/buildings

which will be protected, would be passed after we receive the report of the Committee.

7. To ensure that in the interregnum and from now onwards no further constructions come up, the Commissioner, BDA, would undertake exercise for satellite imaging of the area in question for identifying and noting the constructions as they exist. The said exercise would be undertaken within a period of three days from the date of receipt of a copy of this order. This exercise would be repeated periodically every month and in case any new constructions are noticed, they would be brought to the notice of the Committee and action, including demolition etc. would be undertaken.

8. The Commissioner of the BDA is hereby directed to consult the Chairman and its Members of the Committee and accordingly fix and pay their remunerations. We direct the BDA to provide appropriate secretarial assistance, transport and other logistical support to the Chairman and the members of the Committee for holding an enquiry within two weeks from today. We authorize the Chairman of the Committee to appoint requisite staff, if needed, on a temporary basis to assist the Committee in conducting enquiry and fix their salaries which would be paid by the BDA. The BDA is also directed to provide enough office space in its headquarters for the smooth functioning of the Committee within two weeks. The Committee is also permitted to take assistance of any of the employees including surveyors from the BDA or of the State Government for the purpose of spot inspection, measurement and for its overall functioning.

9. We make it clear that there is no bar for the Chairman or the Members of the Committee to accept any other engagement/arbitration matters during the subsistence of the Committee.

10. The Committee is requested to submit its report before this court preferably within a period of six months from to-day.

11. It appears that certain writ petitions are pending before the Karnataka High Court challenging the final notification for acquisition of lands for the formation of

Dr.ShivaramaKaranth Layout. BDA is directed to furnish the list of pending cases in respect of the said layout to the Registrar General of the High Court within a week from today. We request the Registrar General to list them before the Court within two weeks. We request the high Court to dispose of the said cases on their merits expeditiously.

12. The State Government is directed to grant approval to the 60:40 scheme in respect of the layout in question, if necessary within two weeks from to-day. The State Government is also directed to depute additionally six Land Acquisition Officers to the BDA within two weeks from today.

13. BDA to file status report on or before 11.02.2021.

14. List these cases on 19-01-2021.”

10. The issue now would be, whether the lands that are dropped from acquisition could be confirmed, as the Apex Court had directed acquisition of lands without qualification in its order dated 03-08-2018. Since the Apex Court in the later order directs all the issues to be considered, the issue whether the dropping of lands from acquisition was correct or otherwise is also to be considered by this Bench and on consideration, what would unmistakably emerge is that, it was not only the order of the Special Land Acquisition Officer that led dropping of the lands from acquisition, but the Commissioner, BDA had also put his imprimatur to the order of the Special Land Acquisition Officer, all of which have

statutorily happened exercising the power under Section 17 of the Act, which permits conduct of an inquiry. If the land had been sought to be given up pursuant to the proceedings drawn in accordance with law and that had been crystalized prior to issuance of the final notification, in our considered view, the land of the petitioner like other exemptions granted by the Apex Court from time to time, could be dropped from such acquisition.

11. In this regard, it is apposite to refer to the judgment rendered by the Division Bench in W.A.No.1412 of 2021 on 13-12-2024 concerning the same issue by the earlier composition, whereby the Division Bench has dropped the lands therein from acquisition in the case of **N.C.BASAVARJU V. STATE OF KARNATAKA**. The Apex Court, in SLP(C) 32434 of 2025 in terms of its order dated 10-11-2025, has rejected the SLP, by the following order:

- "1. Delay condoned.
2. Having heard learned senior counsel for the petitioners at a considerable length, we see no valid ground to interfere with the impugned order dated 13.12.2024 passed by the High Court of Karnataka.
3. The Special Leave Petition is, accordingly, dismissed.

4. All pending applications, if any, also stand disposed of.”

In the light of the issue standing completely answered by the judgment rendered by the Division Bench in W.A.No.1412 of 2021, disposed on 13-12-2024, the petition deserves to succeed.

12. For the aforesaid reasons, the following:

ORDER

- (i) Writ Petition is **allowed**.
- (ii) Impugned notification dated 30-10-2018 insofar as it relates to the land of the petitioner – subject land, stands quashed.
- (iii) All further steps taken pursuant to the issuance of the final notification also stand quashed.
- (iv) The petitioner is declared entitled to all consequential benefits that would flow from the said order.

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

**Sd/-
(VENKATESH NAIK T)
JUDGE**

Bkp/CT:SS