



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 31<sup>ST</sup> DAY OF JANUARY, 2026**

**BEFORE**

**THE HON'BLE MR. JUSTICE RAVI V HOSMANI**

**REVIEW PETITION NO. 609 OF 2023**

**IN**

**WRIT PETITION NO.40911/2017**

**BETWEEN:**

B.S. SRINIVAS  
S/O LATE C.V. SHAMA BHOVI  
AGED 62 YEARS,  
R/AT NAGADEVANAHALLI  
MARIYAPANAPALYA  
KENGARI HOBLI,  
JNANABHARATHI POST,  
BANGALORE - 560 056.

...PETITIONER

(BY SRI. KARUMBIAIAH T.A., ADVOCATE)

**AND:**

1. STATE OF KARNATAKA  
BY ITS SECRETARY  
HOUSING AND URBAN DEVELOPMENT  
DEPARTMENT, M.S. BUILDING  
VIDHANA SOUDHA,  
BENGALURU - 560 001.
2. BANGALORE DEVELOPMENT AUTHORITY  
DR. T. CHOWDAIAH ROAD  
KUMARA PARK WEST  
BENGALURU - 560 020

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by  
SHARADAVANI  
B  
Location: High  
Court of  
Karnataka



BY ITS COMMISSIONER.

3. THE SPECIAL LAND ACQUISITION OFFICER  
BANGALORE DEVELOPMENT AUTHORITY  
DR. CHOWDAIAH ROAD,  
KUMARA PARK WEST  
BENGALURU - 560 020  
BY ITS COMMISSIONER.

4. VENKATAMMA  
W/O VENKATASWAMY  
AGED ABOUT 74 YEARS

5. SALLAPURI  
S/O VENKATASWAMY  
AGED ABOUT 52 YEARS

6. MUNIYAPPA @ VIJAYAKUMAR  
D/O VENKATASWAMY  
AGED ABOUT 50 YEARS

7. SALAPURAMMA  
D/O VENKATASWAMY  
AGED ABOUT 40 YEARS

RESPONDENTS 4 TO 7 ARE  
R/AT NAGADEVANAHALLI  
KENGARI HOBLI - 560 056  
BENGALURU SOUTH TALUK.

...RESPONDENTS

(BY SRI. B.S. GURUSWAMY, AGA FOR R1;  
SRI. SURAJ PATIL, ADVOCATE FOR R2 AND R3  
NOTICE NOT ORDERED IN RESPECT OF R4 TO R7)

THIS REVIEW PETITION IS FILED UNDER SECTION 114  
R/W ORDER 47 RULE 1 OF CPC, PRAYING TO REVIEW THE



ORDER DATED 06/12/2023 PASSED BY THE HONBLE COURT IN W.P.NO.40911/2017 AND ALLOW THE WRIT PETITION AS PRAYED FOR IN THE INTEREST OF JUSTICE AND EQUITY.

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

CORAM: HON'BLE MR. JUSTICE RAVI V HOSMANI

**ORAL ORDER**

Heard learned counsel for petitioner.

2. This Review Petition is filed for review of order dated 06.12.2023 passed in W.P.no.40911/2017.

3. Sri Karumbaiah T.A., learned counsel appearing for petitioner submitted that petitioner was owner of lands bearing Sy.nos.73, 74, 59, 80, 105, 112, 113/1, 113/2 and 113/3 of Nagadevahalli village, Kengeri Hobli, Bengaluru South Taluk.

4. Respondent - Bangalore Development Authority (**BDA**) had initiated acquisition proceedings for formation of Jnana Bharati Layout. It was submitted preliminary Notification under Section 17 of Bangalore Development Authority Act, 1976 (**'BDA Act'**) was issued on 26.01.1989 followed by final Notification under Section 19 of BDA Act on 19.01.1994. It was stated that petitioner had challenged acquisition proceedings



only insofar as lands bearing Sy.nos.73 and 74 in W.P.no.6619/1998 and same was dismissed on ground of delay and *laches* on 20.07.1998. Said order was challenged in W.A.no.4260/1998, which was dismissed on 02.11.1998.

5. However, lands in Sy.nos.73 and 74 were fully developed and even outer ring road passed over said lands. It was also submitted that neighbouring lands were de-notified and petitioner's lands were discriminated. Therefore, petitioner had filed W.P.no.30594/2002 before this Court seeking for direction to consider for de-Notification.

6. However, said Writ Petition came to be dismissed by order dated 12.03.2007 by relying upon decision of Hon'ble Supreme Court reported in **AIR 1997 SC 2167**. Petitioner had filed W.A.no.762/2007 against said order. It was submitted that during pendency of Writ Appeal, directions were issued to BDA to submit a report about claim of petitioner that lands were fully developed. It was submitted inspection report and sketch prepared showed Sy.no.73 as fully built up and Sy.no.74 as partly built up. However, Writ Appeal came to be dismissed on 10.11.2009. Even Review Petition filed there against in



R.P.no.55/2012 was dismissed on 10.08.2012. It was submitted that Special Leave Petition filed against said order before Hon'ble Supreme Court also came to be dismissed. Therefore, on coming into force of New Land Acquisition Act i.e., Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (**'RFCTLARR Act'**) and accrual of cause of action since possession was not taken and layout developed, W.P.no.40911/2017 was filed.

7. On 06.12.2023, when matter was listed before this Court, at 10.30 a.m., a request for an adjournment on ground of sickness of counsel was made. However, adjournment was refused and when matter was taken up, noting absence of counsel, petition came to be disposed of. It was submitted that Writ Petition was filed on cause of action accrued on promulgation of RFCTLARR Act, and therefore, dismissal of earlier writ petitions would have no bearing. It is submitted for purposes of consideration of said writ petition, facts relevant would be report filed by BDA in Writ Appeal no.762/2002 and therefore, on said ground as well as on ground that



adjournment sought on ground of sickness was not granted, Review Petition is filed.

8. Heard learned counsel for parties and perused Review Petition as well as copy of writ petition along with Annexures made available for perusal by learned counsel for petitioner.

9. A perusal of Review Petition as well as Writ Petition would indicate that lands bearing Survey nos.73 and 74 among others were subject matter of acquisition by BDA under preliminary Notification dated 26.01.1989 and final Notification dated 19.01.1994. Acquisition was challenged insofar as Survey nos.73 and 74 in W.P.no.6619/1998 which came to be dismissed on 20.07.1998. Writ appeal filed there against was dismissed on 02.11.1998 and even second writ petition filed alleging discrimination insofar as de-notification came to be dismissed on 12.03.2007 and Writ Appeal no.762/2007 filed there against came to be dismissed on 10.11.2009. Even Review petition no.55/2012 filed in Writ Appeal no.62/2007 was also dismissed on 10.08.2012. It is stated that SLP filed against said judgment was also dismissed.



10. Though learned counsel for review petitioner contends that on promulgation of RFCTLARR Act, fresh cause of action seeking for declaration about lapsing of acquisition under Section 24(2) of said Act, accrued, and therefore, W.P.no.40911/2017 was filed. Hon'ble Supreme Court in case of **Indore Development Authority v. Manoharlal and others** reported in **(2020)8 SCC 129** has clearly held RFCTLARR Act would not give rise to a cause of action in case of acquisition having attained finality. Admittedly acquisition of petitioner's land by Bangalore Development Authority was challenged, said challenge ended in dismissal and thus, attained finality.

11. Though it is stated that request for adjournment was made, it was refused and matter was called again and in absence of counsel for petitioner and on hearing learned counsel for respondent, as stated above, in addition to their submission that Award was passed on 09.08.1999 and compensation amount deposited before Civil Court in L.A.C.no.48/2018, it was concluded that acquisition had attained finality, Said facts are undeniable and relying upon



decision of Hon'ble Supreme Court in ***Indore Development Authority*** (*supra*), petition came to be dismissed. Merely on ground that a request for adjournment was made and same was refused cannot be a ground for seeking Review. No error apparent on face of record is made out. Hence, Review Petition is without merit and is ***dismissed***.

12. In view of dismissal of Review Petition, pending applications are also dismissed as unnecessary.

**Sd/-**  
**(RAVI V HOSMANI)**  
**JUDGE**