HC-KAR

NC: 2026:KHC:33311
WP No. 32856 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 3RD DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE R. NATARAJ

WRIT PETITION NO. 32856 OF 2025 (LA-BDA)

BETWEEN:

SRI. SHANKARAPPA
S/O LATE RAMACHANDRAPPA
AGED ABOUT 55 YEARS
NO.82 , SRI SAI NAGARA,
KANNALLI, SY.NO.35/1P,
NEAR MANGANAHALLI,
YESHWANTHAPURA HOBLI-2
BENGALURU-560060

...PETITIONER

(BY SRI. V. ANAND, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
   REPRESENTED BY ITS SECRETARY
   REVENUE DEPARTMENT,
   M.S.BUILDING,
   BANGALORE-560001

2. THE COMMISSIONER
   BANGALORE DEVELOPMENT AUTHORITY,
   T. CHOWDAIAH ROAD,
   BENGALURU-560020

3. THE EXECUTIVE ENGINEER
   BANGALORE DEVELOPMENT AUTHORITY,
   T. CHOWDAIAH ROAD,
   BANGALORE-560020

4. THE ASST. EXECUTIVE ENGINEER
   BANGALORE DEVELOPMENT AUTHORITY,
   T. CHOWDAIAH ROAD,
   BANGALORE-560020

Digitally signed by HEMALATHA J
Location: HIGH COURT OF KARNATAKA

5. THE SPECIAL LAND ACQUISITION OFFICER
BANGALORE DEVELOPMENT AUTHORITY,
T. CHOWDAIAH ROAD,
BANGALORE-560020

6. THE SPECIAL TASK FORCE
BANGALORE DEVELOPMENT AUTHORITY,
T. CHOWDAIAH ROAD,
BANGALORE-560020

…RESPONDENTS

(BY SMT. POOJA M. KOORSE, HIGH COURT GOVERNMENT PLEADER FOR RESPONDENT NO.1;

SRI. K. KRISHNA, ADVOCATE FOR RESPONDENT NOS.2 TO 6)

THIS WP IS FILED UNDER ARTICLES 226 and 227 OF THE CONSTITUTION OF INDIA PRAYING TO CONSIDER THE REPRESENTATION AT ANNEXURE-G DATED 30.07.2025 RECONVEYANCE OF SITE TO THE PETITIONER U/S 38(C) OF BENGALURU DEVELOPMENT ACT, 1976 AND ETC.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE R. NATARAJ

ORAL ORDER

The petitioner has sought a writ in the nature of mandamus to consider his representation dated 30.07.2025 for reconveyance of the site formed in Sy.No.35/1P of Kannalli Village, Yeshwanthpura Hobli, Bengaluru North Taluk under Section 38C of the Bengaluru Development Authority Act, 1976 (henceforth referred to as 'BDA Act' for short) and to direct

respondents Nos.2, 3, 4, 5 and 6 not to dispossess him from the property.

2. (i) The petitioner claims that he purchased a site measuring 30 x 20 feet formed in Sy.No.35/1P of Kannalli, Yeshwanthapura Hobli, Bengaluru North Taluk. The land in Sy. No.35/1P was proposed for acquisition for the formation of Sri.Nadaprabhu Kempegowda Layout under a preliminary notification dated 21.05.2008, followed by a final notification dated 18.02.2010. An award was passed in respect of Sy.No.35/1P on 16.12.2015 and possession was purportedly taken on 16.12.2015. He contended that after purchasing the site in the aforesaid survey number, he constructed a building and is residing therein along with his family members. He further contends that the respondents did not issue any notice to him but had drawn a mahazar prior to the acquisition of Sy. No.35/1P indicating that the entire area was developed. He therefore submitted a representation to delete the aforesaid land from acquisition.

(ii) He contends that he approached respondent No.2 requesting reconveyance of the site after collecting the betterment charges, which were of no avail. He therefore

submitted a representation dated 30.07.2025 requesting respondent No.2 to reconvey the site, stating that he was ready and willing to pay such charges as may be levied. The petitioner claims that the said representation is not yet considered and is therefore before this Court seeking the reliefs mentioned above.

3. The learned counsel for the petitioner reiterated the aforesaid contentions and submitted that the acquisition of land for formation of Sri. Nadaprabhu Kempegowda layout was upheld by the Division Bench of this Court in W.A.No.1783/2014 and connected appeals, in terms of which, relief was given to the owners of sites who had purchased the properties prior to the acquisition in the following manner:

> *"(i) The above appeals filed by the BDA are allowed;*
>
> *ii) The order dated 11.7.2014 passed by the learned Single Judge in WP No.32186/2010 and other connected writ petitions is set aside. The orders passed in writ petitions which are decided placing reliance on the order dated 11.7.2014 passed in WP No.32186/2010 and other connected writ petitions are also set aside;*
>
> *iii) The preliminary notification bearing No.BDA/ COMMR/DC(LA)/ALAO/158/2008-2009, Bangalore,*

dated 21.5.2008 and the final notification bearing No. UDD 51 MNX 2010, Bangalore, dated 18.2.2010 issued for acquisition of lands for the formation of the "Nadaprabhu Kempegowda Layout" are upheld subject to the following conditions:

a) With regard to the land owners (excluding the site owners):

i) All the land owners/writ petitioners who are seeking for dropping of their lands from acquisition on the ground that their lands are (1) nursery lands; (2) situated within green belt; (3) totally built up; (4) that the buildings are constructed by religious/charitable educational institutions; (5) that similar adjoining lands have been either left out from acquisition or de-notified, are permitted to make an application to the BDA seeking for dropping of their lands from acquisition by producing all such material that they deem fit/necessary in support of their applications within 3 months from today;

(ii) The BDA shall consider each of the said application/s keeping in mind the status of the lands as on the date of the preliminary notification and without taking into consideration any developments / improvements / constructions made subsequent to the preliminary notification;

iii) The BDA shall complete the exercise of considering the applications of the writ petitioners and deciding on the same within an outer limit of six months from today;

iv) The BDA, upon consideration of the applications shall intimate the writ petitioners about its decision;

v) If the BDA is of the opinion that the acquisition will have to be proceeded with, the BDA is at liberty to proceed further in accordance with law;

b) Insofar as the site owners who have not made an application as contemplated in para (iii)(a) hereinabove:

i) They shall register themselves for allotment under the BDA (Allotment of Sites) Rules, 1984 within three months from today by paying the registration fee. However, payment of initial deposit by them is exempted. The necessary documents along with the said applications are also to be filed to enable the BDA to verify the same;

ii) The BDA shall treat the applicants as being entitled for priority allotment and allot each of them a site measuring 30x40 feet in the Nadaprabhu Kempegowda Layout at the prevailing allotment prices subject to the applicants satisfying the dual requirements of

allotment under the Rules that they must be the residents of Bengaluru (for 10 years) and should not be owning any residential property in Bengaluru;

iii) In case the applicants/writ petitioners do not fulfill the requirements for allotment under the Rules, 1984 they may be considered for allotment of 20x30 feet sites as per the Bangalore Development Authority (Incentive Scheme for Voluntary Surrender of Land) Rules, 1989;

c) Insofar as the owners of residential sites who form part of a layout and who have sought for dropping their lands from acquisition in accordance with para (iii)(a) hereinabove, the BDA shall consider the same having regard to the observations made at para 66 hereinabove. If the BDA rejects their applications, the site owners who have first filed applications pursuant to para (iii)(a) hereinabove, shall be entitled to a further period of one month after the decision as contemplated therein is intimated to opt to and apply in the manner as contemplated in para (iii)(b) hereinabove.

iv) Till the aforesaid exercise directed to be undertaken by the BDA and the applications filed by the writ petitioners, either for allotment of sites or for dropping of the lands from acquisition are

> *considered, their possession shall not be disturbed and the existing construction shall not be demolished.*
>
> *v) In view of the allowing of the above appeals, pending interlocutory applications, if any, stand disposed of."*

He therefore submits that the petitioner is entitled to be considered on par.

4. The learned counsel for respondent Nos.2 to 6 submitted that if the petitioner is entitled to the reliefs granted by the Division bench of this Court in the case referred supra, respondent No.2 would consider the same in accordance with law. He further submits that as per the judgment of the Division Bench, the petitioner is bound to first register himself for allotment of sites and thereafter the respondent No.2 would consider his request.

5. In view of the aforesaid submission and taking note of the judgment of the Division Bench referred supra, this writ petition is ***allowed***. The petitioner is directed to register himself under the BDA (Allotment of Sites) Rules, 1984 ("Rules, 1984" for short) within one month by paying the registration

fee. The petitioner is however exempted from payment of initial deposit. Along with the application, he shall submit all his documents of title and other documents to establish his title.

6. After the petitioner registers under the Rules, 1984, the respondent No.2 shall consider his request in accordance with law and in terms of the judgment of the Division Bench of this Court in W.A.No.1783/2014 and connected appeals. The respondent No.2 shall consider the application, within a period of two months from the date of receipt of a copy of this order.

7. Until such consideration, respondent Nos.2 to 6 shall not disturb the possession of the petitioner in the site measuring 30 x 20 feet formed in Sy.No.35/1P of Kannalli, Yeshwanthpura Hobli, Bangalore North Taluk.

Sd/-
(R. NATARAJ)
JUDGE

HJ
List No.: 2 Sl No.: 0