HC-KAR

NC: 2026:KHC:17006-DB
WA No. 1868 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF MARCH, 2026

PRESENT

THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE

AND

THE HON'BLE MR. JUSTICE C.M. POONACHA

WRIT APPEAL NO. 1868 OF 2025 (GM-SLUM)

BETWEEN:

VASANTHA PADMA
WIFE OF KANTHA RAJ,
AGED ABOUT 80 YEARS,
RESIDENT OF NO. 295, 7TH MAIN,
SADASHIVANAGAR,
BANGALORE 560080.

…APPELLANT

(BY SRI. N DINESH RAO, ADVOCATE)

Digitally signed by NIRMALA DEVI
Location: HIGH COURT OF KARNATAKA

AND:

1. THE STATE OF KARNATAKA
   REPRESENTED BY ITS CHIEF SECRETARY,
   HOUSING MINISTRY,
   M S BUILDING,
   DR B R AMBEDKAR VEEDHI,
   BANGALORE 560001.

2. KARNATAKA SLUM CLEARANCE BOARD
   REPRESENTED BY ITS SECRETARY,
   NO. 55, RISALDAR STREET,
   SHESHADRIPURAM,

BANGALORE 560020.

3. THE ASSISTANT COMMISSIONER
KARNATAKA SLUM
CLEARANCE BOARD,
NO. 55, RISALDAR STREET,
SHESHADRIPURAM,
BANGALORE 560020.

4. THE COMMISSIONER
CITY MUNCIPALITY,
POONA BANGALORE ROAD,
DAVANGERE.

5. THE DEPUTY COMMISSIONER
DAVANGERE DISTRICT
DAVANAGERE 577001.

6. THE DISTRICT REGISTRAR
DAVANGERE DISTRICT
DAVANGERE 577001.

…RESPONDENTS

(BY SRI. K.S. HARISH, GOVERNMENT ADVOCATE
FOR R1, R5 & R6
SRI. H.L. PRADEEP KUMAR, ADVOCATE FOR C/R2)

THIS WRIT APPEAL IS FILED U/S 4 OF THE KARNATAKA HIGH COURT ACT PRAYING TO SET ASIDE THE ORDER DATED 15/10/2025 PASSED BY THE LEARNED SINGLE JUDGE IN WP NO.35495/2016 AND ALLOW THE WRIT PETITION.

THIS APPEAL, COMING ON FOR PRELIMINARY HEARING, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE
and
HON'BLE MR. JUSTICE C.M. POONACHA

ORAL JUDGMENT

(PER: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE)

1. The appellant has filed the present appeal impugning an order dated 15.10.2025 passed by the learned Single Judge in Writ petition No.35495/2016 (GM-SLUM). The appellant had filed the said petition *inter alia* praying as under:

> "i. issue a writ, direction or order including a writ of mandamus by directing the respondents 1 to 3 and 5 to issue final Notification pursuant to preliminary notification No. VA81 Kma E 2007 dated 17-03-2008, copy of which is produced as annexure G,
>
> ii. further direct the Respondents 1to 3 and 5 to pay compensation to the petitioner as per sections 27, 28 and 30 of The Right To Fair Compensation And Transparency in Land Acquisition, Re-habilitation and Re-settlement Act 2013."

2. The appellant states that she was the owner of a part of land, 'Neelammanna Thota', which was declared as a slum area, by a notification dated 10.12.1976. The appellant made representations seeking the deletion of the subject land from the notification. However, the representations were rejected.

3. On 17.03.2008, respondent No.1 issued a preliminary notification *inter alia* stating it is necessary to acquire the said area under Section 17 of the Karnataka Slum Areas (Improvement and Clearance) Act, 1973 [**Act of 1973**] and invited objections/suggestions for acquisition of the subject land. The appellant claims that thereafter, a spot inspection was conducted, and it was noted that 38 guntas of land belonged to the appellant and 3 other persons.

4. Thereafter, on 03.10.2012, the petitioner requested that compensation be paid at the market rate. The petitioner states that respondent No.2 had furnished a letter directing the Secretary, Housing Ministry, Government of the State of Karnataka, to issue the final notification. However, the final notification for the acquisition of the subject land was not issued.

5. In the aforesaid context, the appellant filed the writ petition *inter alia* praying that a final notification for the acquisition of the subject land be directed to be issued. The learned Single Judge had noted the contention that the preliminary notification under Section

3 of the Act of 1973, read with Section 17 of the Land Acquisition Act, 1894, had been issued without concurrence of the Finance Department and therefore, by notification dated 20.06.2022, the State Government had withdrawn the earlier preliminary notification for acquisition of the subject land.

6. The learned Single Judge held – in our view, rightly so – that no directions could be issued to the respondents to acquire the land. However, left it open for the appellant to approach the authority for resolution.

7. In view of the above, we find no infirmity with the decision of the learned Single Judge.

8. The learned counsel for the appellant submits that, prior to passing the impugned order, the State Government had issued a final notification for the acquisition of the subject land. However, that was not brought to the learned Single Judge's notice. We do not consider it necessary to examine the said claim. Clearly, if a final notification has been issued for the acquisition of the

appellant's land, the appellant is not precluded from claiming compensation as may be awarded.

9. The appeal is disposed of in the aforesaid terms.

10. All pending applications are also disposed of.

Sd/-
(VIBHU BAKHRU)
CHIEF JUSTICE

Sd/-
(C.M. POONACHA)
JUDGE

Vmb
List No.: 1 Sl No.: 8