



CNR: KAHC010777982025

NC: 2026:KHC:39872
WP No. 36126 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE R. NATARAJ

WRIT PETITION NO. 36126 OF 2025 (LA-KIADB)

BETWEEN:

SRI N GIRISH
S/O LATE K.M. NARAYANASWAMY.
ADDRESS FOR CORRESPONDENCE
OPP. KSRTC BUS STAND,
M.B. ROAD, KOLAR TOWN, KARNATAKA- 5

...PETITIONER

(BY SRI. PRAMOD NAIR, SENIOR COUNSEL FOR
SMT.ANANYA GUDIHAL AND
SMT.NEHARICA SAHAY, ADVOCATES)

AND:

1. THE KARNATAKA INDUSTRIAL AREA
DEVELOPMENT BOARD
NO. 39, BHARAT SQUOTS
AND GUIDES BUILDING,
SHANTHIGRUHA, 4TH FLOOR,
PALACE ROAD, BENGALURU- 560001
2. THE SPECIAL LAND ACQUISITION OFFICER-1,
1ST FLOOR, NRUP TUNGA ROAD,
BENGALURU-560001
3. THE STATE OF KARNATAKA,
REPRESENTED BY ITS SECRETARY,
DEPARTMENT OF COMMERCE
AND INDUSTRIES, VIDHANA SOUDHA,
BENGALURU - 560001

...RESPONDENTS

(BY SRI. K.SHASHIKIRAN SHETTY SENIOR COUNSEL FOR
SRI.ADITYA BHAT, ADVOCATE FOR R1 AND R2;
SMT.POOJA M KOORSE, HCGP FOR R3)

Digitally
signed by
HEMALATHA J
Location:
HIGH COURT
OF
KARNATAKA



CNR: KAHC010777982025

NC: 2026:KHC:39872
WP No. 36126 of 2025

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO SET ASIDE THE IMPUGNED ORDER PASSED UNDER SECTION 28(3) OF THE KIAD ACT DATED 3RD NOVEMBER 2025, PASSED BY THE RESPONDENT NO.2 AT ANNEXURE-N (NOTIFICATION KIADB/VIBHUA/583/2025-26) AND ETC.

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

CORAM: HON'BLE MR. JUSTICE R. NATARAJ

ORAL ORDER

The petitioner has called in question an order bearing No.KIADB/Vibhua/583/2025-26 dated 03.11.2025 passed by respondent No.2 under Section 28(3) of the Karnataka Industrial Areas Development Act, 1966 (for short, 'KIAD Act'). He has also sought for a writ in the nature of certiorari to quash the notification bearing No.CI 156 SPQ(E) 2020 dated 12.08.2020 under Section 28(1) of the KIAD Act and the notification bearing No.CI 156 SPQ 2020 dated 26.02.2026 under Section 28(4) of the KIAD Act.

2. The petitioner claims to be the owner of land in Survey No.46/6 measuring 5 ½ guntas, 46/7 measuring 3



NC: 2026:KHC:39872
WP No. 36126 of 2025

guntas, 46/9 measuring 9 ½ guntas, all situated at Malliyappanahalli, Vemagal Hobli, Kolar Taluk. The petitioner desired to establish a hotel and therefore, got the above land converted for non-agricultural commercial purpose on 23.05.2016. When things stood thus, a notification under Section 28(1) of the KIAD Act was issued on 12.08.2020, proposing to acquire the aforesaid land along with other lands for an industrial purpose. The petitioner submitted his objections on 14.09.2020. However, without considering the said objections, a final notification under Section 28(4) of the KIAD Act was issued on 21.01.2023. The same was questioned by the petitioner before this Court in W.P. No.5157/2023 which was allowed in terms of an order dated 11.09.2024 and the final notification was set aside and the case was remitted back before the Land Acquisition Officer for fresh consideration of the objections filed by the petitioner. Liberty was reserved to the petitioner to file additional objections. Thereafter, a notice was issued by the Land Acquisition Officer on 21.07.2025 under Section 28(2) of the KIAD Act, which was challenged by the petitioner before this Court in W.P. No.24626/2025. This Court



CNR: KAHC010777982025

in terms of an order dated 09.09.2025, disposed of the writ petition directing the petitioner to file his reply.

3. The petitioner then submitted his additional objections on 06.10.2025 contending that (a) the acquisition is mala fide? (b) that the purpose of purchasing the property was for utilizing it for self employment? (c) how the non-acquisition of the property would not affect the contiguity? (d) that the acquisition of the property was discriminatory and against settled principles of law?. The petitioner was then again called upon to file additional objections, if any, to the acquisition on 28.10.2025. The petitioner appeared and submitted his objections on 28.10.2025. Petitioner claims that on 10.11.2025, he received a caveat petition from the respondent No.1, who anticipated that the petitioner would challenge the order dated 03.11.2025 under Section 28(3) of the KIAD Act. The petitioner therefore contends that he was unaware of the order passed on 03.11.2025 under Section 28(3) of the KIAD Act. He then visited the office of the respondent No.2, but was not provided with copy even after a request was made. He then submitted a letter on 13.11.2025, highlighting the manner in



which respondent No.2 had conducted the proceedings. The petitioner was then informed on 04.03.2026 that a final notification was issued under Section 28(4) of the KIAD Act which was published in the Official Gazette on 26.02.2026. The petitioner contends that the order passed under Section 28(3) is without application of mind and without considering the objections raised by him. He therefore, has assailed the final notification issued by the respondent No.1 on the ground that his objections were not considered and that the acquisition is *prima facie mala fide* inasmuch as it was driven by an allottee who was allotted the plot even before a final notification was issued which was quashed by this Court in W.P.No.5157/2023.

4. The learned Senior Counsel for the petitioner invited the attention of the Court to the order passed in W.P.No.5157/2023 and contended that a Co-ordinate Bench of this Court had noticed that the property belonging to the petitioner lay on the edge of the proposed industrial area and not in the middle of it. However, the Land Acquisition Officer while considering the objections filed by the petitioner has held that the land of the petitioner lies within the middle of the



CNR: KAHC010777982025

project area. He contends that the land in question was converted for non-agricultural commercial use i.e., to put up a hotel. He contends that the Land Acquisition Officer unmindful of the fact that the State Government had permitted another hotel to be established nearby, rejected the objections of the petitioner on the ground that establishing a hotel in the industrial area would affect the industrial area. He therefore, contends that the Land Acquisition Officer has not applied his mind to the objections but the consideration appears to have been at the behest of the allottee, who was allotted an industrial plot much before a final notification was issued. In this regard, he invited the attention of the Court to the map of the area which shows that the property claimed by the petitioner lay on the Kolar-Chikkaballapura road, at the edge of plot No.97. He also invited the attention of the Court to the proceedings of the State Government, which show that the Board had already issued a letter of allotment on 24.02.2025 and Possession Certificate was handed over to the allottee on 07.04.2025 and a lease-cum-sale agreement was executed on 12.05.2025. He thus, contends that the consideration of the



CNR: KAHC010777982025

objections of the petitioner is not in the spirit of Section 28(3) as held by the Apex Court in the case of ***Hindustan Petroleum Corporation Limited vs. Darius Shapur Chenai - (2005) 7 SCC 627***. He therefore, prays that the impugned order passed by the Land Acquisition Officer and the final notification insofar as the land of the petitioner be quashed.

5. Learned Senior Counsel for the respondent Nos.1 and 2 submitted that the proceedings of the Government of Karnataka which is relied upon by the learned Senior Counsel for the petitioner is the approval granted by the State Level Single Window Clearance Committee (henceforth referred to as 'SLSWCC') and that in itself will not affect the consideration of the objections filed by the petitioner. He also contended that the plot No.97, which includes the property claimed by the petitioner is already allotted to an allottee, who intends to establish an industrial unit at a cost of Rs.492 Crores. He contends that if this project is established, it would generate enough employment for the locals and also provide indirect employment to many. He submits that the Land Acquisition Officer has considered these and rightly held that the exclusion



CNR: KAHC010777982025

of the land of the petitioner would affect the compactness of the industrial area. He therefore submits that the order passed by the Land Acquisition Officer be upheld and the notification also be upheld so that the respondent No.2 can proceed with the allotment process.

6. I have considered the submissions of the learned Senior Counsel for the petitioner and the learned Senior Counsel for the respondent Nos.1 and 2.

7. An opportunity granted to the land loser to file objections is one of the precious rights that the land loser has while opposing an acquisition. That is the only way in which he can seek redressal of his grievance against the acquisition of his land. Therefore, every attempt should be made by the acquiring bodies to redress the grievance of such land losers by objectively considering the objections filed. In the case of hand, the petitioner had specifically contended that the lands in question that were acquired, were converted for non-agricultural commercial use at an undisputed point of time, prior to the notification under Section 28(1) of the KIAD Act, was issued. The land belonging to the petitioner lay alongside



**NC: 2026:KHC:39872
WP No. 36126 of 2025**

the Kolar-Chikkaballapura Road. Therefore, the said property was ideal for establishment of a hotel. It has been the consistent policy of the State Government not to acquire converted lands and this policy is recognized and upheld by the Division Bench of this Court in ***G.C.Narayanappa vs. State of Karnataka and Others - (W.A.No.1080/2006, dated 18.01.2023)***. Therefore, while the Land Acquisition Officer was considering the objections filed by the petitioner, he should have been alive to the contentions raised by the petitioner rather than swaying in favour of the board by holding that the property of the petitioner lay within the midst of the industrial area and that excluding it would affect compactness. The Land Acquisition Officer was blissfully unaware of the layout plan of the industrial area. If only he had looked the layout plan, he would have not reached the conclusion that the property claimed by the petitioner lay within the midst of an industrial area. This apart, the Land Acquisition Officer has also not considered the policy of the State Government, which has been reiterated from time to time that converted lands and lands which lie within 100 meters from the village limits should not



be acquired. Therefore, this Court has no hesitation in holding that the Land Acquisition Officer has completely forgotten his duties while adjudicating the objections filed by the petitioner.

8. The contentions of the learned Senior Counsel for the petitioner that the plot No.97, where the land of the petitioner lay was already allotted to an industrial unit and that the consideration of the objections was at the behest of the allottee cannot be disbelieved. Therefore, the impugned order rejecting the objections filed by the petitioner warrants interference.

9. Accordingly, the following order is passed:

ORDER

- i. This petition is ***allowed***;
- ii. The order bearing No.KIADB/Vibhua/583/2025-26 dated 03.11.2025 passed by respondent No.2 under Section 28(3) of the Karnataka Industrial Areas Development Act, 1966 is quashed;



NC: 2026:KHC:39872
WP No. 36126 of 2025

CNR: KAHC010777982025

- iii. Consequently, the final notification bearing No. CI 156 SPQ 2020 dated 26.02.2026 issued by the respondent No.1 under Section 28(4) of the Karnataka Industrial Areas Development Act, 1966 is quashed in so far as the properties of the petitioner is concerned;
- iv. The petitioner shall now appear before the respondent No.2 on **07.08.2026 at 11.00 a.m.**
- v. The respondent No.2 shall consider the objections filed by the petitioner in the proper perspective and in the light of the observations made hereinabove and pass appropriate orders after hearing the petitioner.

Sd/-
(R. NATARAJ)
JUDGE