IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 12TH DAY OF DECEMBER, 2025

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MS. JUSTICE TARA VITASTA GANJU

WRIT PETITION NO. 16139 OF 2024 (LA-BDA)

BETWEEN:

1. SRI PREM SINGH
   S/O. LATE RAJA LAKSHMAN SINGH,
   AGED ABOUT 74 YEARS,

2. SMT. BEEJAKSHARI VARMAN
   D/O. SRI. PREM SINGH,
   AGED ABOUT 48 YEARS,

3. SRI. SAHIL VARMAN
   S/O. PREM SINGH,
   AGED ABOUT 38 YEARS,

   PETITIONER No.1 TO 3 ARE
   R/AT NO. 3-B, FARAH FORT MANOR,
   NO.20, 1ST MAIN, JAYAMAHAL EXTENSION,
   BANGALORE-560 046.

...PETITIONERS

(BY SRI. UDAY HOLLA, SENIOR COUNSEL ALONG WITH
SRI. DHARMA VEER SINGH B., ADVOCATE
SRI. MUKESH KUMAR SURANA AND HARISH S.,
ADVOCATE)

Digitally signed by VASANTHA KUMARY B K
Location: HIGH COURT OF KARNATAKA

AND:

1. THE COMMISSIONER
   BANGALORE DEVELOPMENT AUTHORITY,
   CHOWDAIAH ROAD,
   KUMARA PARK WEST,
   BANGALORE-560 020.

2. THE HON'BLE JUSTICE K. N. KESHAVA NARAYANA
COMMITTEE
HEADED BY ITS CHAIRMAN,
JUSTICE K. N. KESHAVANARAYANA,
CONSTITUTED BY THE HON'BLE HIGH COURT OF
KARNATAKA,
IN RESPECT OF ARKAVATHI LAYOUT,
HAVING ITS OFFICE AT KRISHI BHAVAN,
4TH FLOOR, HUDSON CIRCLE,
BANGALORE-560 002.
REPRESENTED BY ITS SECRETARY.
DR. K. H. NARASIMHA MURTHY.

3. THE SPECIAL LAND ACQUISITION OFFICER
BANGALORE DEVELOPMENT AUTHORITY,
CHOWDAIAH ROAD,
KUMARA PARK WEST,
BANGALORE-560 020.

4. EXECUTIVE ENGINEER,
BANGALORE DEVELOPMENT AUTHORITY
CHOWDAIAH ROAD,
KUMARA PARK WEST,
BANGALORE-560 020.

5. THE STATE OF KARNATAKA
REPRESENTED BY ITS SECRETARY,
URBAN DEVELOPMENT DEPARTMENT,
SECRETARIAT, ROOM NO. 435, 4TH FLOOR,
VIKASA SOUDHA,
BANGALORE-560 001.

…RESPONDENTS

(BY SRI. ASHOK HARANAHALLI, SENIOR COUNSEL FOR
SRI. B.S.KARTHIKEYAN. A.N. FOR R1, R3 & R4;
SRI. G.S.ARUNA, HCGP R5;
R2 SERVED)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT OF CERTIORARI ANY OTHER APPROPRIATE WRIT, ORDER OR DIRECTION QUASHING IMPUGNED ORDER (ANNEXURE-F) DATED 20.05.2024 IN PROCEEDINGS BEARING KNKC No-169/2022, 170/2022, 171/2022, 172/2022 AND 176/2022 ISSUED BY THE 2ND RESPONDENT AND GRANT

SUCH RELIEFS THIS HON,BLE COURT MAY BE DEEM FIT IN THE FACTS AND CIRCUMSTANCES OF THIS CASE, ETC.

THIS WRIT PETITION HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 08.12.2025, COMING ON FOR PRONOUNCEMENT THIS DAY, ***HON'BLE MR. JUSTICE D K SINGH*** PRONOUNCED THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE D K SINGH
and
HON'BLE MS. JUSTICE TARA VITASTA GANJU

CAV ORDER

(PER: HON'BLE MR. JUSTICE D K SINGH)

The instant writ petition is filed seeking the following prayers:-

> *"a. To issue writ of certiorari, any other appropriate writ, or order or direction quashing impugned order* ***(Annexure-F)*** *dated 20-05-2024, in proceedings bearing KNKC No.169/2022, 170/2022, 171/2022, 172/2022 and 176/2022, issued by the 2nd respondent, and grant such reliefs this Hon'ble Court may be deem fit in the facts and circumstances of this case.*
>
> *b. Declare that the schedule property has been dropped from acquisition in the light of the judgment passed by this Hon'ble Court in W.A.2757/2005 and the Hon'ble Supreme Court in the case of Bondu Ramaswamy and others*

vs Bangalore development authority and others (2010 (7) SCC 129). And as per final Notification Dated:18/06/2014, Bearing No:UDD426 MSJ/2011.

c. Grant Such Other And Further Reliefs."

2. Petitioners are said to be the owners of the lands bearing Survey Nos.17/1, 18, 19, 20 and 26 of Hennur Village, Kasaba Hobli, Bangalore, in all measuring 26 acres 12 guntas, which has been described as ***'the schedule property'*** in the writ petition along with its boundaries. The said properties along with a large chunk of other lands were proposed to be acquired by the Bangalore Development Authority (for short ***'the BDA'***) for the purpose of formation of 'Arkavathi Layout' for which a Preliminary Notification dated 03.02.2003 was issued and Final Notification dated 23.02.2004 came to be issued.

3. Smt. Divya Devi, wife of the first petitioner and the mother of second and third petitioners had filed her objection dated 17.03.2003 seeking deletion of the above

lands from acquisition. Without considering the objections, the Final Notification dated 23.02.2004 came to be issued.

4. It is the case of the petitioners that petitioner Nos.2 and 3 along with their late Mother Smt. Divya Devi had entered into a scheme i.e., joint development of their lands in the year 1998 with M/s. Tata Housing Development Corporation Limited (for short ***'M/s. THDCL'***). A general power of attorney was executed by Smt. Divya Devi in favour of M/s. THDCL.

5. M/s.THDCL had challenged the final notification dated 23.02.2004 in Writ Petition No.25807/2004. A batch of writ petitions were filed by various landowners. Learned Single Judge of this Court vide judgment and order dated 15.04.2005 allowed the writ petition and quashed the Final Notification dated 23.02.2004. The said judgment and order dated 15.04.2005 setting aside the Final Notification was challenged by the BDA in W.A.Nos.2624-2626/2005. M/s. THDCL also filed Writ Appeal No.2757/2005 challenging the observations made in the judgment and

order in W.P.No.25807/2004. The Division Bench vide judgment and order dated 25.11.2005 passed in Writ Appeal Nos.2624-2626/2005 disposed of the said Writ Appeals with following observations :-

> *"106. For the aforesaid reasons, we pass the following:*
>
> ***ORDER***
>
> *(A) ……*
>
> *(B)…….*
>
> *(C)……..*
>
> *(D) Insofar as the landowners excluding the site owners, are entitled to the following reliefs:*
>
> *(i) All the petitioners who are the landowners who are seeking dropping of the acquisition proceedings insofar as their respective lands are concerned, on the ground that:*
>
> *(a) their lands are situated within green belt area;*
>
> *(b) they are totally built up;*
>
> *(c) properties wherein there are buildings constructed by charitable, educational and/or religious institutions;*

(d) nursery lands;

(e) who have set up factories;

(f) their lands are similar to the lands which are adjoining their lands but not notified for acquisition at all, are permitted to make appropriate application to the authorities seeking such exclusion and exemption and producing documents to substantiate their contentions within one month from the date of this order."

6. The Writ Appeal No.2757/2005 filed by M/s. *THDCL* was partly allowed in the following terms:-

"(1)……

(2) W.A. No. 2757 of 2005 is partly allowed. In W.P. No. 25807 of 2004 filed by Tata Housing Development Company in respect of land bearing Sy. Nos. 17/1, 18, 19, 20, 26 and 94 situated at Hennur Village, Kasaba Hobli, Bangalore, in all measuring about 26 acres 12 guntas, the finding of the learned Single Judge is set aside. Liberty is granted to the petitioners therein to make appropriate application before the BDA for deleting the said land from acquisition in view of the policy decision of the Government dated 1-6-1995. On such representation the BDA shall

consider the request and pass appropriate orders. In the event their contention is upheld the said extent of land shall stand excluded from acquisition. Otherwise acquisition in respect of the said lands stand and the BDA is at liberty to form the layout."

7. Based on the aforesaid judgment in Writ Appeal No.2757/2005, Smt. Divya Devi and M/s. THDCL had given various representations to BDA requesting it to drop schedule lands from the acquisition proceedings.

8. The BDA challenged the judgment dated 25.11.2005 passed by the Division Bench in the Writ Appeal Nos.2624-2626/2005 before the Supreme Court in ***BONDU RAMASWAMY AND OTHERS VS. BANGALORE DEVELOPMENT AND OTHERS [(2010)7 SCC 129].*** The Supreme Court affirmed the directions of the Division Bench subject to the following directions and clarifications:-

"Conclusion

160. *In view of the foregoing, we affirm the directions of the Division Bench subject to the following further directions and clarifications:*

(i) In regard to the acquisition of lands in Kempapura and Sriramapura, BDA is directed to reconsider the objections to the acquisitions having regard to the fact that large areas were not initially notified for acquisition, and more than 50% of whatever that was proposed for acquisition was also subsequently deleted from acquisition. BDA has to consider whether in view of deletions to a large extent, whether development with respect to the balance of the acquired lands has become illogical and impractical, and if so, whether the balance area also should be deleted from acquisition. If BDA proposes to continue the acquisition, it shall file a report within four months before the High Court so that consequential orders could be passed.

(ii) In regard to villages of Venkateshapura, Nagavara, Hennur and Challakere where there are several very small pockets of acquired lands surrounded by lands which were not acquired or which were deleted from the proposed acquisition, BDA may consider whether such small pockets should also be deleted if they are not suitable for forming self-contained layouts. The acquisition thereof cannot be justified on the ground that these small islands of acquired land, could be used as a stand-alone park or playground in regard to a layout formed in a different unconnected lands in other villages.

Similar isolated pockets in other villages should also be dealt with in a similar manner.

(iii) BDA shall give an option to each writ petitioner whose land has been acquired for Arkavathi Layout:

(a) to accept allotment of 15% (fifteen per cent) of the land acquired from him, by way of developed plots, in lieu of compensation (any fractions in excess of 15% may be charged prevailing rates of allotment);

OR

(b) in cases where the extent of land acquired exceeds half an acre, to claim in addition to compensation (without prejudice to seek reference if he is not satisfied with the quantum), allotment of a plot measuring 30' × 40' for every half acre of land acquired at the prevailing allotment price.

(iv) Any allotment made by BDA, either by forming layouts or by way of bulk allotments, will be subject to the above."

9. In view of the directions in the aforesaid judgment in ***BONDU RAMASWAMY*** supra, the BDA considered various applications/representations and proposed to delete about 944 acres of land. The modified scheme was submitted to the Government. Based on the modified scheme submitted

by the BDA, the State Government issued the Final Notification dated 18.06.2014 for acquiring 1766 acres. As per the Final Notification dated 18.06.2014, the schedule lands stood de-notified/deleted from acquisition.

10. One more batch of writ petitions came to be filed by the various landowners before this Court challenging the Final Notification dated 18.06.2014. The learned Single Judge vide judgment dated 27.09.2021 in W.P.No.51929/2014 and various other connected writ petitions, upheld the acquisition of the lands for forming of the Arkavati Layout as per the Final Notification dated 18.06.2014. The learned Single Judge held that under the guise of implementing the directions issued by the Division Bench and the directions issued by the Supreme Court in ***BONDU RAMASWAMY's*** case cited supra, the reports were furnished by the Land Acquisition Officer and by using pick and choose method, certain lands were deleted from the acquisition either on the ground that it is built up or it was landlocked, which was factually otherwise. It was also held that for deletion of around 1988 acres of land from the

acquisition proceedings in the Final Notification dated 18.06.2014, acceptable and justifiable reasons were lacking. In the light of the aforesaid, the learned Single Judge was of the view, that the claims for exemption from notifications are required to be examined afresh and for ensuring that there would be a clear and absolute transparency in the said process, a Committee was constituted comprising of three persons to look into the various aspects of deletion/non-deletion of the lands from the Final Notification dated 18.06.2014. The Committee consisted of Hon'ble Mr. Justice K.N. Keshavanarayana, Former Judge of Karnataka High Court, Sri Sandeep Dave, retired IAS officer and Sri N S Megharik retired IPS Officer. It was further ordered that all deletions or de-notifications recommended by the BDA or made by the BDA or by the Government would be subject to the certification or approval by the Committee, to the effect that such deletion of schedule property was in accordance with law laid down by judgment of the Division

Bench and Directions and clarifications issued by the Supreme Court in ***BONDU RAMASWAMY's*** case supra.

11. The issue of de-notification of the petitioners' land was also taken up by the Committee so constituted to examine the correctness of the deletion of the scheduled lands from the acquisition proceedings. The petitioners and BDA had appeared before the Committee. The Committee after hearing the petitioners extracted paragraph 95 of the judgment dated 25.11.2005 passed in Writ Appeal No.2757/2005 filed by M/s.THDCL and other connected appeals. Paragraph 95 of the said judgment reads as under :-

> *"95. However, in W.P. No.25807/2004 the material on record is not sufficient to grant the relief sought for. Firstly the petitioners are only agreement holders. Though there is an award in their favour, the same is under challenge. Secondly, the said agreement is held to be invalid under the provisions of the Karnataka Land Reforms Act and the said order is also under challenge in appeal. Thirdly, the land owners are contesting the claim of the petitioner, and in fact they have filed memo before this Court stating that they have no objection for the*

> *acquisition. Though not much credence can be given to the said memo, still the title of the petitioners is to Under these circumstances the be established. proper course would be to direct the petitioners to approach the BDA with an application setting out their claim and the BDA shall decide the said claim on its merits in the light of what we have said above. If the BDA were to uphold the claim of the petitioners, then the lands covered in this Writ Petition would stand excluded from acquisition. If the claim is negatived, as the land owners have no objection for acquisition, the acquisition of the lands stand affirmed and the BDA would be at liberty to form the layout in the land as part of Arkavathi layout. Till such adjudication the BDA shall stay its hands." (Underline emphasis supplied)*

12. The Division Bench partly allowed the Writ Appeal No.2757/2005 filed by M/s. THDCL and granted liberty to M/s. THDCL to make appropriate application before the BDA for deleting the schedule lands from the acquisition in view of the policy decision of the government dated 01.06.1995 and on such representation, the BDA should consider the request and pass appropriate orders. It may be noted that opportunity was not given to land owners for

making representation to the BDA for exclusion of their land from acquisition proceedings, as they had no objection for acquisition. The opportunity was given only to M/s. THDCL to make representation to the BDA.

13. The Committee noted that the petitioners did not at any point of time challenge the acquisition of their lands. And on the other hand, they even filed a memo before the Division Bench stating that they had no objection for acquisition of the lands in question.

14. From the judgment of the Division Bench, an opportunity for making representation seeking deletion of the lands in question from acquisition was given only to the writ petitioner i.e. M/s. THDCL and not the owners, i.e., the petitioners.

15. Pursuant to an opportunity afforded by the Division Bench M/s. THDCL submitted a representation dated 05.05.2006 to the BDA seeking deletion of the lands in question from acquisition by enclosing copies of documents in support of its claim. However, the said

representation submitted by M/s. THDCL came to be rejected. As per Resolution No.92 of 2006 dated 31.05.2006 an endorsement dated 15.06.2006 to that effect was sent to M/s. THDCL. Against the said rejection of the representation and endorsement dated 31.05.2006 and 15.06.2006 respectively, M/s. THDCL did not take up the matter further and gave up its claim over the lands in question.

16. The petitioners/Smt. Divya Devi and her children submitted a representation dated 05.10.2004 to the Land Acquisition Officer, BDA requesting to pass an award in their names and to order payment of compensation to them in respect of the lands in question. Another representation was submitted on 17.01.2005 requesting the Land Acquisition Officer to issue award copy in respect of the lands in question stating that they had handed over possession of the lands as per representation dated 25.08.2004. Considering aforesaid representation submitted by the landowners, the Committee concluded that the landowners never sought for deletion of the lands

in question from acquisition proceedings and they went on seeking payment of compensation only. This stand of theirs was in conformity with their stand before the Division Bench, where they had filed memo to the effect that they had no objection for acquisition of the lands in question.

17. The Committee further noted that on 13.09.2012, Smt. Divya Devi and her two children thereafter, had submitted a representation to the Principal Secretary to the Government Urban Development Department, Bangalore, seeking deletion of the lands in question from acquisition proceedings on the ground that lands in question were covered by guidelines issued by the Division Bench. But on the basis of the said representation, the Urban Development Department, Government of Karnataka sought report from the Commissioner, BDA, vide later dated 05.10.2012. BDA submitted a detailed report dated 14.02.2013 to the Government. Thereafter, Smt. Divya Devi and her two children submitted another representation on 16.06.2013 to the Principal Secretary,

Urban Development Department seeking to drop lands in question from acquisition proceedings, which was forwarded to the Commissioner, BDA for report and information. The Government did not pass any order withdrawing the lands in question from the acquisition in exercise of its powers under Section 48(1) of the Land Acquisition Act.

18. The Committee notes that a meeting note was prepared by the BDA for consideration of the report, but from the original land acquisition file, it was not forthcoming as to whether the matter was placed before the Board. Though the original files did not indicate as to whether the request of the landowners for deletion of the land from acquisition process was considered by the Board/BDA, the file would indicate that endorsement dated 28.10.2013 purported to have been signed by the Commissioner/ BDA, had been issued to the owners of the lands stating that the lands in question had been deleted from acquisition process. The Committee noted that as the petitioners never challenged the acquisition

proceedings and the Division Bench did not grant them an opportunity for making representation, but the opportunity was given only to M/s. THDCL, therefore, liberty was given to the owners of other lands, who were the petitioners challenging the acquisition, on the ground of discrimination, to make an application/representation seeking deletion of their lands from the acquisition falling under any of the six parameters carved out thereunder, could not be extended to the owners of the lands in question. It was not open to the landowners to seek deletion of the lands in question on the ground that the adjacent/neighbouring lands similarly placed have not been either notified or deleted from acquisition.

19. Once the petitioners had filed Memo before the Division Bench in which they were respondent Nos.3 to 5 that they had no objection about the acquisition, the endorsement issued by the Commissioner that lands in question had been deleted from acquisition does not appear to be proper. The Committee further has been of the view that the endorsement would not indicate as to

whether the Board of the BDA had at any point of time considered the question as to whether the land in question qualify for deletion and whether the Board had resolved to delete the lands in question, in other words, the endorsement many not be backed by any resolution of the BDA. It was further held that regard being had to the direction issued by the Division Bench, there was no scope for consideration of deletion of lands in question on the ground that the adjacent lands had either not been notified or had been deleted from acquisition.

20. After examining the Village Map, the Committee also recorded that the location of lands in question is said that the lands are adjacent to each other and are located continuously and these lands form a compact block. The total land would be 26 acres, which forms a substantive extent where a self-contained, well-defined layout with all amenities could easily be formed. These lands in question are not a small pocket or island. The direction of the Division Bench regarding the deletion of lands on the ground that adjoining lands have been deleted, was

explained by the Supreme Court in ***BONDU RAMASWAMY's*** case supra, while considering the principle of positive and negative equality and it was held that deletion of the lands merely on the ground that the adjacent land's had been deleted would amount to enforcing negative equality and therefore, on that ground the land could not be deleted. The Committee held that the deletion of the lands in question, was also not in accordance with the judgment of the Supreme Court. The fact that the some of the allotees of the sites from the BDA in the land in question had accepted alternate sites would not be ground to confirm or certify the deletion of the lands in question. Satellite images as on 24.12.2001 secured by the Committee from the State Remote Sensing Application Center, Department of DPAR (e-governance) Government of Karnataka would indicate that the entire compact block of land in question was completely vacant and no development activity was taken. The drone video also would indicate that the lands in question were lying vacant.

21. The Committee also took note of the fact that three sale deeds dated 11.09.2023 produced by the petitioners would indicate that Smt. Beejakshari Verman, Smt. Sahil Verman along with their father Sri. Prem Verman had sold proportions of the land in question to third parties. All the sale transactions had come up during the pendency of the proceedings before the Committee and after issuance of the notice, the Committee held that subsequent sale transactions entered into by the heirs of the beneficiary would have no effect on the proceedings.

22. The Committee therefore, was of the considered view that the deletion of the lands in question from acquisition process was contrary to the direction issued by the Division Bench of this Court as well as the observations of the Supreme Court in ***BONDURAMA SWAMY's*** case supra. The order of deletion was quashed and the lands in question were restored to the BDA. The Committee also recommended for high level inquiry into the acts of the then Commissioner, BDA for issuing endorsement dated

28.10.2013 without the matter of deletion of lands in question having been placed before the Board of BDA.

23. Sri. Udaya Holla, learned Senior Counsel for the petitioners submitted that the Committee has not followed direction issued by the Division Bench in Writ Appeal Nos.2624-2626/2005 and the directions issued by the Supreme Court in ***BONDURAMA SWAMY'S*** case supra, as well as the directions given to the Committee in Writ Petition No.57929/2024. One of the directions was to examine all such representations received by the BDA pursuant to the Division Bench order and ***BONDURAMA SWAMY'S*** judgment, which made it clear that after the orders made in ***BONDURAMA SWAMY'S*** case, various landowners made applications seeking deletion of their lands relying on the 6 parameters laid down by the Division Bench of this Court. Immediately after the order was passed by the Division Bench in Writ Appeal Nos.2624-2626/2005 and as per the letter dated 08.05.2006, M/s. THDCL made and an application/request to the BDA seeking deletion of lands in question. The

request of M/s. THDCL was rejected by endorsement dated 15.06.2006. Similar endorsements were issued to various other landowners. These endorsements came to be challenged in the writ petition No.9232/2006 and connected matters. The learned Single Judge vide judgment and order dated 23.08.2006 has set aside all such endorsements. The learned counsel has pressed into service paragraph Nos.3 and 4 of the Judgment dated 23.08.2006 passed in Writ Petition No.9232/2006, which would read as under :-

> *"3. Bare perusal of the endorsements impugned would make it clear that the same are as a result of non-application of mind by the concerned. The endorsements are vague and cryptic, inasmuch as, they do not specify as to whether anything is in existence or not in the spot in question. The mere observation that the cases of these petitioners do not fall under any of the guidelines issued by this Court for dropping the acquisition proceedings, would not be sufficient. The endorsements issued by the authority should reasonably disclose that each of the petitioner's case is considered individually upon visiting the spot. As the impugned endorsements do not disclose the details of the spot inspection in each of the matters, in my considered opinion, interest of*

justice will be met, if the Land Acquisition Officer is directed to re-do the exercise after holding spot inspection. Consequently, the impugned endorsements are liable to be quashed. Accordingly, the endorsements impugned are quashed.

4. The concerned Land Acquisition Officer of Bangalore Development Authority shall hold spot inspection after notice to the petitioners and thereafter proceed in accordance with law. The petitioner as well as Bangalore Development Authority are directed to maintain status-quo with regard to properties in question during such consideration. No fresh constructions should be made by the petitioners in the mean while."

24. After M/s. THDCL gave up the challenge to the acquisition/request for de-notification, late Smt. Divya Devi had given various representations to the State Government and also to the BDA. The petitioners were issued notice in pursuance to the notification dated 04.06.2010, insofar as the schedule lands were concerned, to appear before the Special Land Acquisition Officer, BDA and submit their claims. His submission is that the BDA itself called the petitioners to re-examine the question of acquisition in the light of the direction made in the Writ

Appeal Nos.2624 to 2626/2005 and Writ Appeal No. 2757/2005. Therefore, the Memo and the letters for expressing their 'No objection' for acquisition proceedings of petitioners' land would not come on the way for consideration of their representation in pursuance to the Notification dated 04.06.2010 issued by the Government. It is further submitted that Special Land Acquisition Officer had opined that all adjoining and neighbouring lands were deleted and as per the six parameters the schedule lands should also be deleted. The Special Land Acquisition Officer report dated 08.02.2012 had been placed on record. The Special Land Acquisition Officer's report is not in dispute neither before the Committee nor by the respondents, had found any fault with the report dated 08.02.2012. Submission is that the land in question has been deleted in accordance with the decision of the Division Bench and the Supreme Court directions in ***BONDU RAMASWAMY'S*** case supra. It is further submitted that the endorsement made by the Commissioner was on the basis of the resolution passed by the Board of the BDA

and the said fact had been affirmed by the BDA in its affidavit. Even if such a Board Resolution exists, it is nothing but an illegal and malafide one as the petitioners' lands could not have been denotified, in view of the findings recorded by the Committee.

25. We therefore, cannot accept the submission of the petitioners as argued by Sri. Udaya Holla, learned Senior Counsel for the petitioners that some interloper filed the memo before the Division Bench stating that the owners would not have any objection for acquisition of their lands. The petitioners never challenged the said finding of the Division Bench nor filed any review application or application to aver otherwise.

26. The record otherwise, would show that the landowners were requesting for passing the award and payment of money to them. They had also filed the applications to that effect and had said that they had already handed over possession of the lands to the BDA as per their representation dated 25.08.2024. Thus, we do

not find that the Committee has erred in holding that the landowners/petitioners never objected to the land acquisition proceedings in respect of their lands.

27. As noted above, several writ petitions came to be filed, after the BDA undertook the exercise of deletion / inclusion of the lands from the land acquisition proceedings in respect of Arkavati layout after the judgment of the Supreme Court in ***BONDU RAMASWAMY'S*** (supra). The learned Single Judge in batch of writ petitions vide the judgment and order dated 27.09.2021 passed in writ petition No.51929/2024 and other connected writ petitions constituted a Committee under the Chairmanship of Hon'ble Mr. Justice K.N. Keshavanarayan, Former Judge of this Court, Sri Sandeep Dave, retired IAS Officer, Former Additional Secretary and Sri.N.S. Megharikh, IPS (Retd.), Former Director General of Police-CID, Economic Offences and Special Units, with Commissioner BDA as Ex-Officio Convenor, to consider all deletions or de-notifications recommended by the BDA or made by the BDA or by the

Government and all such deletions/de-notification would be subject to the certification or approval by the Committee to the effect that such deletion of land was in accordance with the law as laid down by the Division Bench and the directions/clarifications issued by the Supreme Court in ***BONDU RAMASWAMY'S*** case supra.

28. It was further made clear that in the event of applications/representations having not been submitted by the petitioners pursuant to the order of the Division Bench or ***BONDU RAMASWAMY'S*** case supra, they would be at liberty to submit the same to the BDA within one month from the date of the order of the learned Single Judge along with representations/applications. It should be placed by the BDA before the Committee constituted by the Court. The relevant directions of the learned Single Judge in the Judgment and Order dated 27.09.2021 are extracted hereunder:

> *"(xiv) All deletions or de Notification recommended by the BDA or made by BDA or by the Government, is subject to the certification or approval by the Committee to the effect that such deletion of land is*

in accordance with the law laid down by the Division Bench and directions/clarifications issued by the Apex Court in BONDU RAMASWAMY's case.

(xv) It is also made clear that in the event of applications or representations having not been submitted by the applicant/s pursuant to the order of the Division Bench or BONDU RAMASWAMY's case, they would be at liberty to submit the same to the BDA within one (1) month from the date of this order and on receipt of said representations or applications, it shall be placed by the, BDA before the Committee constituted hereinabove within ten (10) days after expiry of one (1) month.

(xvi) The civic amenities sites earmarked in the map/s or Arkavati Layout Plans, if located as an isolated plot or island and such plots if not being adjacent or abutting to the sites formed in Arkavati Layout, such lands may not be feasible for acquisition and Committee would examine such claims and based on physical verification and a report shall be forwarded by the Committee to BDA either to retain such lands for acquisition or recommend for deletion as the case may be, upon receipt of such report BDA shall take further steps.

xvii) A writ of mandamus issues to BDA to execute Lease cum Sale Agreement and possession certificate in favour of all such allottees, who had been allotted sites and on account of pendency of

the present proceedings, further steps had not been taken. The BDA shall also ensure that katha of the sites so allotted and possession delivered is issued in favour of such allottees. The said exercise shall be undertaken by the BDA forthwith and at any rate within an outer limit of three (3) months from today.

xiii) The BDA shall consider the claim of all such allottees, who have been allotted site/s in Arkavati Layout, but later cancelled due to redo exercise and shall allot the site/s to such of those applicants/allottees expeditiously and at any rate within an outer limit of three (3) months from the date of receipt of copy of this order and it is also made clear that in the event of such site/s not being available in Arkavati Layout, they shall be allotted sites in any other Layout within the timeframe stipulated hereinabove.

(xix) Registered agreement holders or agreement holders together holding registered General Power of Attorney namely, if such documents have come into existence contemporaneously prior to issuance of Preliminary Notification dated 03.02.2003, would be entitled to seek for allotment of site from BDA and all such applicants would be at liberty to submit application/representations to BDA within one (1) month from today and all such representations received by the BDA shall be placed before the Committee constituted by this Court within ten (10)

days after expiry of one (1) month and on report being submitted by the Committee, BDA would be at liberty to make allotment of sites or issue endorsement assigning the reasons for rejection of claim, if any.

(xx) The Committee constituted hereinabove shall implement the order passed in W.A.No.2624/2005 & connected matters on 25.11.2005 in the matter of THE COMMISSIONER, BDA AND OTHERS vs. STATE OF KARNATAKA, BY ITS SECRETARY AND OTHERS and order passed by the Hon'ble Supreme Court in Civil Appeal Nos.4097/2010 and connected matters on 05.05.2010 in the matter of BONDU RAMASWAMY AND OTHERS US. BANGALORE DEVELOPMENT AND OTHERS and in addition to the same, said Committee shall also:

(a) Examine all such representations received by BDA pursuant to Division Bench order and BONDU RAMASWAMY's judgment placed before the Committee and submit a report to the BDA as to whether such claim/s would fall within the exceptions carved out under the judgments for deleting the lands or not. The BDA shall thereafter take steps to delete or include such lands from acquisition.

(b) The Committee shall also consider the representations of the land owners submitted to BDA which shall be placed before the Committee to ascertain as to whether the lands of the applicants

are landlocked and/or adjacent lands having been dropped from acquisition without dropping the lands of the applicants. The Committee shall examine the claim on case to case basis and on being satisfied either such claim being genuine or being contrary to factual scenario shall prepare a report village wise and forward the same to the BDA to enable the said authority to either delete such lands from acquisition or conclude the acquisition.

(c) The Committee shall either by itself or through its empowered officers carryout inspection of all 16 villages where sites have been carved in Arkavati Layout by identifying such sites in respect of which allotment letters, possession certificate has been issued and recommend to the BDA to handover possession of such sites to the allottees forthwith for ensuring the process of allotment is taken to its logical end by forwarding a report in that regard to the BDA expeditiously and preferably within a period of four (4) months today. On receipt of such report from the Committee, BDA shall expeditiously and not later than one (1) month from the date of receipt of such report shall execute the Lease cum Sale Agreement or absolute Sale Deed, as the case may be, by confirming possession of such sites having been handed over or delivered to the allottees.

(d) The Committee shall examine as to whether the claim of land owners for deleting their lands from

being acquired is within the parameters or the directions issued by the Division Bench and the Hon'ble Apex Court in BONDU RAMASWAMY's case and if so, shall submit a report to the BDA to the said effect and pursuant to the same BDA shall take steps accordingly to either delete the land or proceed with allotment of the sites to the applicants that may be formed in such lands.

(e) The Committee shall examine as to whether deletion of land/s from acquisition made by the BDA is within the parameters fixed by Division Bench and BONDU RAMASWAMY's case by examining every such deletion made on case to case basis and particularly with reference to deletion made on the ground of adjacent lands having been deleted.

(f) The Committee shall also examine the claim of the applicants on case to case basis for deletion of lands on the ground of area being built-up by considering or looking into the scientific evidence that may be secured by the Committee as noticed hereinabove.

(g) The Committee shall examine the claim of the applicants on case to case basis for deletion of lands from acquisition on the ground of buildings having been constructed by ascertaining as to whether such buildings have come up prior to the Preliminary Notification dated 03.02.2003 or thereafter. It is made clear that such buildings/sheds constructed

with asbestos sheets or tiled roof, shall not be eligible to be considered as a pucca building for the purposes of exclusion from acquisition even if so claimed by the applicants.

(h) The Committee shall examine as to whether deletion of 983.12 acres of land by the Government subsequent to the Notification dated 23.02.2004 and before issuance of Notification dated 18.06.2014 was in accordance of dicta laid down by the Division Bench and in compliance with directions/clarifications issued by Hon'ble Apex Court in BONDU RAMASWAMY's case and submit a report to the BDA, who shall take steps based on said report.

(i) The Committee shall also examine the applications of revenue site holders for allotment of sites in accordance with the extant Circular of BDA dated 09.06.2017 and Resolution dated 18.04.2017 keeping in mind the law laid down in JUNJAMMA's case and also keeping in mind paragraph 3.2 of the memo filed before the Division Bench whereunder BDA has undertaken to allot a site measuring 30' X 40' in favour of revenue site holders, whose revenue sites had been acquired, which would be in terms of the order/direction issued in W.P.Nos.20875-938/2001 dated 20.07.2021 (Anjanapura Scheme).

(j) The Committee shall examine as to whether on Layout/s formed by Housing Co-operative Societies or House Building Co-operative Societies or

registered Union or registered Association wherein sites have been formed and allotted to its Members wherein construction of buildings have come up by conducting spot inspection either by itself or through its empowered officers and if the Committee is of the view that it is a self contained Layout, a report to said effect shall be submitted to BDA, upon which BDA shall delete the said lands from acquisition. However, it is made clear that if BDA has taken possession of such lands and has already formed sites, allotment made, then claim of the Members of the Co-operative Society for allotment of alternate site would only be considered by the BDA and it is made clear that said benefit would be available only to the applicants or Members of the Society/Union/Association, who have purchased the property under registered sale deed from such Housing Co-operative Society or House Building Co-operative Society or Registered Union or Registered Association, as the case may be.

(k) The BDA shall publish the operative portion of this order in any two (2) vernacular newspapers consecutively on two (2) dates within a gap of 10 days from today, so as to avoid issuance of individual notices by the Committee and it is made clear that there would be no need or necessity to issue individual notices by the Committee.

(l) The Committee would at liberty to as to whether BDA has undertaken any exercise to delete lands suo motu and if it is so found, the exercise so undertaken by BDA would stand quashed if it is not in conformity with the order passed by the Division Bench as affirmed and clarified by the Apex Court, to which effect the Committee shall submit a report to BDA and on such report being submitted, the deleted lands would stand restored to BDA for the purposes of formation of sites in Arkavati Layout to be allotted to the applicants in waiting.

(xxi) All lands which are the subject matter of acquisition for the purpose of Arkavati Layout if having been converted, layout formed, sites carved and constructions having been put-up prior to issuance of Preliminary Notification dated 03.02.2003, would be entitled for deletion from acquisition, subject to report being submitted by the Committee to the said effect."

29. Therefore, deletion of the lands of the petitioners in the Notification dated 18.06.2014 was not final, and the Committee had the mandate to examine various aspects of deletion/denotification of the lands from the Final Notification. It may be reiterated that the petitioners had never challenged the land acquisition proceedings and in fact they had filed memo stating that they had 'No

Objection' for the acquisition of their lands and they had demanded passing of the award and payment of compensation, they had said, that they had already handed over the possession of their lands. Therefore, their application was not maintainable and they had no right to make representation thereafter, for deletion of their lands from acquisition proceedings.

30. As discussed above, it was M/s. THDCL which was given opportunity to make representation and their representation came to be rejected as stated above. No opportunity was given to the petitioners to make the representation, in view of the fact that they had 'No Objection' for the acquisition of their lands. The judgment of the Division Bench had never been challenged by the petitioners, and it had attained finality.

31. Therefore, we are of the considered view, that the petitioners' land could not have been rescued from the land acquisition proceedings, in view of the facts and circumstances stated by the Committee in its report dated

20.05.2024 in proceedings bearing KNKC No.169/2022, 170/2022, 171/2022, 172/2022 and 176/2022, issued by the 2nd respondent. Accordingly, we ***dismiss*** this writ petition.

No order as to costs.

Sd/-
(D K SINGH)
JUDGE

Sd/-
(TARA VITASTA GANJU)
JUDGE

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