HC-KAR

NC: 2026:KHC:61051
WP No. 6751 of 2025

CNR: KAHC010123852025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MRS. JUSTICE K.S. HEMALEKHA

WRIT PETITION NO.6751 OF 2025 (LA-BDA)

BETWEEN:

SMT. GITA REDDY
D/O. LATE S.R. BHASKARA REDDY
AGED ABOUT 58 YEARS
R/AT NO.104, R.J. GARDENS
WEST BLOCK, 17TH 'E' CROSS
2ND STAGE, INDIRA NAGAR
BENGALURU-560 038

REPRESENTED BY HER
GPA HOLDER SRI. VIJAY BABU REDDY
S/O. MR. S.R.VASUDEVA REDDY
AGED ABOUT 56 YEARS
R/AT NO. 95, SAKALAVARA VILLAGE
BANNERGHATTA ROAD
BENGALURU-560 083.

...PETITIONER

Digitally signed by
MAHALAKSHMI B M
Location: High Court
of Karnataka

(BY SRI. JAYAKUMAR S. PATIL, SENIOR ADVOCATE FOR
SRI. SRIHARI A.V., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
VIDHANA SOUDHA,
BENGALURU-560 001
REPRESENTED BY ITS CHIEF SECRETARY.

2. BANGALORE DEVELOPMENT AUTHORITY
T. CHOWDAIAH ROAD

KUMARA PARK WEST
BENGALURU-560 020.
REPRESENTED BY ITS COMMISSIONER.

3. THE SPECIAL LAND ACQUISITION OFFICER,
BANGALORE BUSINESS CORRIDOR – 07,
BANGALORE DEVELOPMENT AUTHORITY
T. CHOWDAIAH ROAD,
KUMARA PARK WEST
BENGALURU-560 020.

…RESPONDENTS

(BY SRI. K. SHASHI KIRAN SHETTY, ADVOCATE GENERAL A/W
SMT. POOJA M. KOORSE, HCGP FOR R-1;
SRI. G.S. KANNUR, SENIOR ADVOCATE FOR
SRI. K. KRISHNA, ADVOCATE FOR R-2 & R-3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT IN THE NATURE OF CERTIORARI OR ANY OTHER WRIT OR ORDER QUASHING THE NOTICES BOTH DATED 20.01.2025 BEARING NOS.L.A.C/B.B.C-7/P.R.R-2/PART-I/265/2005-06 & NO.L.A.C/B.B.C-7/ P.R.R-2/PART-I/268/2005-06 ISSUED BY THE RESPONDENT NO.3 VIDE ANNEXURE-A AND B UNDER SECTION 17(5) OF THE BANGALORE DEVELOPMENT AUTHORITY ACT, 1976 IN RESPECT OF THE SCHEDULE PROPERTIES BELONGING TO THE PETITIONER AS ISSUANCE OF SAID NOTICES ARE WITHOUT AUTHORITY OF LAW AND ETC.,

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

CORAM: HON'BLE MRS. JUSTICE K.S. HEMALEKHA

ORAL ORDER

1. The petitioner impugns the notices dated 20.01.2025 issued by respondent No.3 under Section 17(5) of the Bangalore

Development Authority Act, 1976 [**the Act**] calling upon the petitioner to submit objection to the preliminary notification dated 12.12.2005 in respect of the schedule properties. The petitioner has also sought a consequential direction restraining the respondents from interfering with the peaceful possession and enjoyment of the said properties.

BRIEF FACTS

2. The petitioner claims to be the owner in possession of land measuring 2 acres in Sy.No.75/3 (old Sy.No.75/1) and 2 acres 24 guntas in Sy.No.81/2, both situated at Sakalavara Village, Jigani Hobli, Anekal Taluk, Bangalore Urban District [**the schedule properties**], having inherited the same from her father, late Sri S.R. Bhaskara Reddy.

3. The Bangalore Development Authority [**BDA**] issued preliminary notification dated 12.12.2005 under Section 17(1) and (3) of the Act proposing to acquire the aforesaid lands for formation of the Peripheral Ring Road. However, despite the lapse of more than 15 years, the acquisition proceedings were not taken to their

logical conclusion by issuing a final notification, passing an award or taking possession of the properties.

4. In the meanwhile, the BDA by its resolution dated 24.10.2011, had resolved to drop the acquisition proceedings in respect of the lands other than the extent of 321 acres 10 guntas for which a final notification had been issued. The petitioner's properties were not included in the said extent.

5. Aggrieved by the continued acquisition proceedings, the petitioner approached this Court in Writ Petition No.7848/2021. The learned Single Judge by order dated 17.04.2021, allowed the writ petition and quashed the preliminary notification dated 12.12.2005 and all acquisition proceedings pursuant thereto insofar as the petitioner's schedule properties were concerned. The said order was challenged by BDA in Writ Appeal No.215/2022. The Division Bench by judgment dated 19.10.2022, dismissed the writ appeal and affirmed the order of the learned Single Judge. The BDA thereafter approached the Hon'ble Supreme Court in SLP (C) Diary No.12708/2023 which was dismissed by order dated 04.05.2023. Consequently, the order quashing the acquisition proceedings has

attained finality. The order passed in the case of the petitioner is known as the Gita Reddy's case.

6. Notwithstanding the aforesaid judicial orders, respondent No.3 issued notices dated 20.01.2025 under Section 17(5) of the Act, calling upon the petitioner to submit objection to the preliminary notification dated 12.12.2005. Aggrieved by the same, the petitioner is before this Court.

CONTENTIONS

7. Sri Jayakumar S Patil, the learned senior counsel appearing for the petitioner, submits that the impugned notices are wholly without jurisdiction and contrary to the orders passed by this Court which have attained finality. It is further submitted that, the order of the learned Single Judge, wherein the preliminary notification dated 12.12.2005 and all the consequential acquisition proceedings were quashed in respect of the petitioner's property, was affirmed by the Division Bench in Writ Appeal No.215/2022 and the SLP preferred by the BDA was also dismissed by the Hon'ble Supreme Court and therefore the respondents are bound by the earlier judicial orders and impugned notices being founded upon the preliminary

notification which no longer survives in law insofar as the petitioner's properties are concerned are liable to be quashed.

REASONS AND CONCLUSION

8. The question that arises for consideration is,

> *"whether respondent No.3 was justified in issuing the impugned notices dated 20.01.2025 under Section 17(5) of the Act, calling upon the petitioner to submit objection to the preliminary notification dated 12.12.2005, notwithstanding that the said notification and consequential acquisition proceedings in respect of the petitioner's property had already been quashed by this Court and order had attained finality."*

9. The material on record would disclose that the petitioner had earlier challenged the preliminary notification dated 12.12.2005 in Writ Petition No.7848/2021. The learned Single Judge by order dated 17.04.2021 taking note of the resolution dated 24.10.2011 passed by the BDA and the failure of the respondents to complete the acquisition proceeding despite the lapse of more than 15 years,

allowed the writ petition and expressly quashed the preliminary notification dated 12.12.2005 and all acquisition proceedings pursuant thereto insofar as the petitioner's schedule properties were concerned.

10. The said order was affirmed in Writ Appeal No.215/2022 by judgment dated 19.10.2022. The Division Bench while dismissing the appeal preferred by the BDA observed that even in the absence of a prescribed period of limitation for issuance of a final notification, the statutory power was required to be exercised within a reasonable time. It was further observed that the respondents had failed to furnish any cogent explanation for not completing the acquisition proceedings for more than 17 years.

11. It is relevant to note that BDA had specifically relied upon the directions issued by the Hon'ble Supreme Court concerning the Peripheral Ring Road project in Miscellaneous Application Nos.1614-1616/2019 in Civil Appeal Nos.7661-7663/2018. Notwithstanding the said contention, the Division Bench declined to interfere with the order passed by the learned Single Judge.

12. The judgment of the Division Bench was thereafter carried before the Hon'ble Supreme Court in SLP (C) Diary No.12708/2023 which came to be dismissed on 04.05.2023. The order dated 17.04.2021 has attained finality and continues to bind the respondents.

13. In light of the aforesaid undisputed position, the issuance of the impugned notices dated 20.01.2025 by respondent No.3 calling upon the petitioner to submit objections to the preliminary notification dated 12.12.2005 cannot be sustained. In these circumstances, the impugned notices being found on the preliminary notification dated 12.12.2005 which no longer survives insofar as the petitioner's properties are concerned, are therefore without any subsisting legal foundation. Accordingly, the Writ Petition is ***allowed.*** The impugned notices dated 20.01.2025 issued by respondent No.3 under Section 17(5) of the Act are hereby quashed.

Sd/-

JUSTICE K.S. HEMALEKHA

CKL
List No.: 1 Sl No.: 12.3