IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF OCTOBER, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN

WRIT APPEAL NO. 909 OF 2026 (LA-RES)

BETWEEN:

1. STATE OF KARNATAKA
   REP. BY ITS CHIEF SECRETARY
   VIDHANA SOUDHA
   DR. B.R.AMBEDKAR VEEDHI
   BENGALURU - 560001

2. PRINCIPAL SECRETARY
   REVENUE DEPARTMENT
   M S BUILDING
   DR. B.R. AMBEDKAR VEEDHI
   BENGALURU - 560001

3. UNDER SECRETARY
   REVENUE DEPARTMENT
   M S BUILDING
   DR. B R AMBEDKAR VEEDHI
   BENGALURU - 560001

4. SPECIAL LAND ACQISITION OFFICER
   III FLOOR, PODIUM BLOCK, V.V. TOWER
   DR. B.R. AMBEDKAR VEEDHI
   BENGALURU - 560001

5. ADDITIONAL DIRECTOR GENERAL OF POLICE
   AND INSPECTOR GENERAL OF PRISONS
   NO.4, SESHADRI ROAD
   BENGALURU - 560001

6. CHIEF JAIL SUPERINTENDENT
   PARAPPANA AGRAHARA CENTRAL PRISON

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

PARAPPANA AGRAHARA, HOSA ROAD
ELECTRONIC CITY
BENGALURU - 560100

7. DEPUTY COMMISSIONER
BENGALURU URBAN DISTRICT
BEHIND KANDAYA BHAVANA
KEMPE GOWDA ROAD
BENGALURU - 560009

8. REVENUE INSPECTOR
SPECIAL LAND ACQUISITION OFFICER
NO.14, III FLOOR, PODIUM BLOCK
V V TOWER, DR. B.R. AMBEDKAR VEEDHI
BENGALURU - 560001

9. TAHSILDAR
BENGALURU SOUTH TALUK
KANDAYA BHAVAN
KEMPE GOWDA ROAD
BENGALURU - 560009

10. STATE OF KARNATAKA
REP. BY ITS SECRETARY TO
HOME DEPARTMENT AND PRISONS
VIDHANA SOUDHA
BENGALURU - 560001

11. THE STATION HOUSE OFFICER
PARAPPANA AGRAHARA POLICE STATION
BENGALURU - 560109

…APPELLANTS

(BY SRI M.N. SUDEV HEGDE, AGA)

AND:

1. SRI SHASHIKIRAN G
S/O K G GOVINDAPPA
AGED ABOUT 47 YEARS
SITE NO.43 OF SY.NO.65/1
JAIL ROAD, NAGANATHAPURA
BBMP WARD NO.191
BENGALURU

2. SRI M DASHARATHA REDDY
S/O CHIKKA MUNISWAMY REDDY
AGED ABOUT 73 YEARS
SITE NO. 19 OF SY.NO. 65/1
JAIL ROAD, NAGANATHAPURA
BBMP WARD NO. 191
BENGALURU

3. SRI K G GOVINDAPPA
S/O GOPAL
AGED ABOUT 74 YEARS
SITE NO. 44 OF SY.NO. 65/1
JAIL ROAD, NAGANATHAPURA
BBMP WARD NO. 191
BENGALURU

4. SRI HARISH G. NAIK
S/O GANGA NAIK
AGED ABOUT 44 YEARS
SITE NO.31 OF SY.NO.65/1
JAIL ROAD, NAGANATHAPURA
BBMP WARD NO.191
BENGALURU

5. SMT. KAMALA G NAIK
W/O GANGA NAIK
AGED ABOUT 58 YEARS
SITE NO.32 OF SY.NO. 65/1
JAIL ROAD, NAGANATHAPURA
BBMP WARD NO. 191
BENGALURU

6. SRI K. NAGESH
S/O KARIYANNA
AGED ABOUT 63 YEARS
SITE NO. 14 OF SY.NO. 65/1
JAIL ROAD, NAGANATHAPURA
BBMP WARD NO.191
BENGALURU

7. SMT. K.M. SHAKUNTHALA
W/O G.A. KRISHNA
AGED ABOUT 75 YEARS

SITE NO.53 OF SY.NO. 65/1
JAIL ROAD, NAGANATHAPURA
BBMP WARD NO.191
BENGALURU

8. SRI K. RAVINDRANATH
S/O K. RAMA RAJU
AGED ABOUT 60 YEARS
SITE NO.74 OF SY.NO.65/1
JAIL ROAD, NAGANATHAPURA
BBMP WARD NO. 191
BENGALURU

9. SRI IMMANUEL MORAIS
S/O SUSAI LOUIS MORAIS
AGED ABOUT 79 YEARS
SITE NO.33 OF SY.NO.65/1
JAIL ROAD, NAGANATHAPURA
BBMP WARD NO.191
BENGALURU

10. SRI AMEER SHAFIULLA KHAN
S/O LATE ALHAMED ULLA KHAN
AGED ABOUT 66 YEARS
SITE NO.4 OF SY.NO.65/1
JAIL ROAD, NAGANATHAPURA
BBMP WARD NO.191
BENGALURU

11. SRI V SUBRAMANYA
S/O V RAJAIAH
AGED ABOUT 85 YEARS
SITE NO.26 OF SY.NO.65/1
JAIL ROAD, NAGANATHAPURA
BBMP, WARD NO.191
BENGALURU

12. SMT. PARVATHAMMA
W/O LATE VENKATESH
AGED ABOUT 70 YEARS
SITE NO.13 OF SY.NO.65/1
JAIL ROAD, NAGANATHAPURA
BBMP, WARD NO.191
BENGALURU

13. SRI C M KEMPAIAH
SINCE DEAD BY LR

13.1 SMT. K. RATHNA,
W/O LATE C.M.KEMPAIAH
AGED ABOUT 84 YEARS
R/AT NO.27, JAIL ROAD
NAGANATHAPURA
BBMP WARD NO. 191
BENGALURU
**(AMENDED V/O
DATED 07.09.2026)**

14. SRI K SOMASUNDRAPPA
S/O LATE REVANAPPA
AGED ABOUT 77 YEARS
SITE NO. 51 OF SY NO.65/1
JAIL ROAD, NAGANATHAPURA
BBMP WARD NO. 191
BENGALURU

15. SRI H N MOHAN KUMAR
S/O H M NAGARAJ SETTY
AGED ABOUT 79 YEARS
SITE NO. 12 OF SY NO.65/1
JAIL ROAD, NAGANATHAPURA
BBMP WARD NO. 191
BENGALURU

16. SMT. B PANKAJAKSHAMMA
SINCE DEAD BY LR

16.1 SRI B. SUDHAKAR
S/O LATE B. PANKAJAKSHAMMA
AGED ABOUT 68 YEARS
R/AT NO.11, JAIL ROAD
NAGANATHAPURA
BBMP WARD NO.191
BENGALURU

**(AMENDED V/O
DATED 07.09.2026)**

17. SMT. B L CHETANA
W/O B V LAVAKUMAR
AGED ABOUT 60 YEARS
SITE NO. 9 OF SY.NO. 65/1
JAIL ROAD, NAGANATHAPURA
BBMP WARD NO. 191
BENGALURU

18. SMT. M B VIJAYA RAGHU
W/O M B RAGHAVENDRA
AGED ABOUT 59 YEARS
SITE NO. 8 OF SY.NO. 65/1
JAIL ROAD, NAGANATHAPURA
BBMP WARD NO.191
BENGALURU

19. SMT C NIRMALA
W/O K RAJU
AGED ABOUT 50 YEARS
SITE NO. 59 OF SY.NO. 65/1
JAIL ROAD, NAGANATHAPURA
BBMP WARD NO. 191
BENGALURU

20. SRI K PRASARADHI
S/O LATE A KOTHANDA MUDALIAR
AGED ABOUT 78 YEARS
SITE NO.63 OF SY.NO. 65/1
JAIL ROAD, NAGANATHAPURA
BBMP WARD NO. 191
BENGALURU

21. SMT E AMIRTHAVALLI
W/O K PARTHASARADHI
AGED ABOUT 73 YEARS
SITE NO. 63 OF SY NO. 65/1
JAIL ROAD, NAGANATHAPURA
BBMP WARD NO. 191
BENGALURU

22. SMT. RATHNAMMA
W/O K RAMAIAH
AGED ABOUT 80 YEARS,
SITE NO. 3 OF SY.NO. 65/1

JAIL ROAD, NAGANATHAPURA
BBMP WARD NO. 191
BENGALURU

23. SRI RAVI RAJENDRA KUMAR J
S/O JOSEPH C R
AGED ABOUT 61 YEARS
SITE NO.46 AND SITE NO 47
OF SY.NO 65/1
JAIL ROAD, NAGANATHAPURA
B.B.M.P WARD NO.191
BENGALURU

24. SRI K NANJUNDAPPA
S/O KALAPPA
AGED ABOUT 63 YEARS
SITE NO.20 OF SY.NO.65/1
JAIL ROAD, NAGANATHAPURA
B.B.M.P WARD NO.191
BENGALURU

25. SMT. MAHADEVAMMA W/O RAMAIAH
AGED ABOUT 79 YEARS
SITE NO.35 OF SY.NO. 65/1
JAIL ROAD, NAGANATHAPURA
B.B.M.P WARD NO.191
BENGALURU

26. SRI G PICHAI
S/O S GANAPATHY SUBRAMANIAN
AGED ABOUT 73 YEARS
SITE NO.6 AND SITE NO.7
OF SY.NO.65/1
JAIL ROAD, NAGANATHAPURA
B.B.M.P WARD NO.191
BENGALURU

27. SRI T G ARUN KUMAR
S/O A V THANDAVARAYAN
AGED ABOUT 43 YEARS
SITE NO.19 OF SY.NO. 65/1
JAIL ROAD, NAGANATHAPURA
B.B.M.P WARD NO.191
BENGALURU

28. SRI K RAGHU
S/O BHASKAR UDUPA
AGED ABOUT 49 YEARS
SITE NO. 66 OF SY.NO.65/1
JAIL ROAD, NAGANATHAPURA
B.B.M.P WARD NO.191
BENGALURU

29. SMT. VANITHA
W/O C KRISHNA MURTHY
AGED ABOUT 57 YEARS
KATHA NO.786
(SITE NO.69 OF SY.NO.65/1)
JAIL ROAD, NAGANATHAPURA
B.B.M.P WARD NO.191
BENGALURU

30. SRI C KRISHNA MURTHY
S/O CHIKKA HONNAPPA
AGED ABOUT 58 YEARS
KATHA NO. 780
(SITE NO. 68 OF SY.NO. 65/1)
JAIL ROAD, NAGANATHAPURA
B.B.M.P WARD NO. 191
BENGALURU

31. SMT. SWARAN KAUR
W/O AMARJIT SINGH
AGED ABOUT 81 YEARS
SITE NO.7 OF SY.NO.65/1
JAIL ROAD
NAGANATHAPURA
B.B.M.P WARD NO.191
BENGALURU

32. SRI KOMARRAJU BABU RAO
S/O K PRASADA RAO
AGED ABOUT 47 YEARS
SITE NO.34 OF SY.NO.65/1
JAIL ROAD
NAGANATHAPURA
B.B.M.P WARD NO.191
BENGALURU

33. SMT. BENEDICT MARY W/O MATHEW
AGED ABOUT 52 YEARS
SITE NO.67 OF SY.NO.65/1
KATHA NO.125/65
JAIL ROAD, NAGANATHAPURA
B.B.M.P WARD NO.191
BENGALURU

34. SMT. PREMA KUMARI
W/O P N UTHAPPA
AGED ABOUT 63 YEARS
SITE NO.62 OF SY.NO.65/1
JAIL ROAD, NAGANATHAPURA
B.B.M.P WARD NO.191
BENGALURU

35. SHRI K P NARASIMHA RAJ
S/O LATE KADIRAPPA
AGED ABOUT 74 YEARS
SITE NO.50 OF SY.NO.65/1
JAIL ROAD, NAGANATHAPURA
B.B.M.P WARD NO.191
BENGALURU

36. SMT. S USHA
W/O S V SATHYANARAYANA SETTY
AGED ABOUT 63 YEARS
SITE NO.48 OF SY.NO. 65/1
JAIL ROAD, NAGANATHAPURA
B.B.M.P WARD NO.191
BENGALURU

37. SHRI JOY STEPHEN
S/O P J STEPHEN
AGED ABOUT 64 YEARS
SITE NO. 60, SITE NO. 61 &
SITE NO. 41 OF SY.NO.65/1
JAIL ROAD, NAGANATHAPURA
B.B.M.P WARD NO.191
BENGALURU

38. SHRI S RAMACHANDRA
S/O K SURYANARAYANAPPA
(DELETED V/O DATED 07.09.2026)

39. SHRI V H CHANNAPPA
S/O VEERAPPA
AGED ABOUT 51 YEARS
SITE NO.73 OF SY.NO.65/1
JAIL ROAD, NAGANATHAPURA
B.B.M.P WARD NO.191
BENGALURU

40. SHRI N V NAVEEN
S/O N VEERABHADRAIAH
AGED ABOUT 53 YEARS
SITE NO.65-2 OF SY.NO.65/1
JAIL ROAD, NAGANATHAPURA
B.B.M.P WARD NO.191
BENGALURU

41. SHRI K SRINIVAS RAJU
S/O K KANNAIAH RAJU
AGED ABOUT 54 EYARS
SITE NO.75 OF SY.NO.65/1
JAIL ROAD, NAGANATHAPURA
B.B.M.P WARD NO.191
BENGALURU

42. SMT. USHA RAJA
W/O M.V.A. RAJA
AGED ABOUT 87 YEARS
SITE NO.8 OF SY.NO.65/1
JAIL ROAD, NAGANATHAPURA
B.B.M.P WARD NO.191
BENGALURU

43. H JAYAMMA
D/O HANUMAIAH
AGED ABOUT 74 YEARS
SITE NO.9 AND SITE NO.10
OF SY.NO.65/1, JAIL ROAD
NAGANATHAPURA
B.B.M.P WARD NO.191
BENGALURU

44. SHRI GOPAL
S/O LATE ERAPPA

AGED ABOUT 55 YEARS
SITE NO.1 OF SY.NO.65/1
JAIL ROAD, NAGANATHAPURA
B.B.M.P WARD NO.191
BENGALURU

45. SHRI RAMESH T
S/O THANGAVELU
AGED ABOUT 46 YEARS
SITE NO.35 OF SY.NO.65/1
JAIL ROAD, NAGANATHAPURA
B.B.M.P WARD NO.191
BENGALURU

46. SHRI L H JANARDHAN RAO
AGED ABOUT 86 YEARS
SITE NO.24 AND
SITE NO.25 OF SY.NO.65/1
JAIL ROAD, NAGANATHAPURA
B.B.M.P WARD NO.191
BENGALURU

47. KANNAN ANNAMALAI
S/O LATE ANNAMALAI
AGED ABOUT 53 YEARS
SITE NO.5 OF SY.NO.65/1
JAIL ROAD, NAGANATHAPURA
B.B.M.P WARD NO.191
BENGALURU

48. ANAND ANNAMALAI
S/O LATE ANNAMALAI
AGED ABOUT 55 YEARS
SITE NO.6 OF SY.NO.65/1
JAIL ROAD, NAGANATHAPURA
B.B.M.P WARD NO.191
BENGALURU

49. B L SRINIVASA SETTY
SITE NO.17 AND SITE NO.35(A)
JAIL ROAD, NAGANATHAPURA
B.B.M.P WARD NO.191
BENGALURU

50. SRI BELLUR S. RAVISHANKAR
S/O LATE B.M. SUBANNA
AGED ABOUT 82 YEARS
CURRENTLY R/AT 18012
BLACK GOLD WAY BOYD'S
MARYLAND - 20841

BEING REPRESENTED
BY HIS GPA HOLDERS
SRI B.S. ARUN KUMAR
S/O LATE B.M. SUBANNA
AGED ABOUT 67 YEARS
R/AT NO.2906/1, POTOMAC HILL
APARTMENT -A2
GOKULAM MAIN ROAD
V.V. MOHALLA
MYSURU-570 002

51. LATE PRAMILA SINCE DECEASED
BEING REPRESENTED BY HER LRS

51(a) A V ANANTH RAM
S/O. LATE PRAMILA AND
LATE A.V. VISWANATH
AGED ABOUT 61 YEARS
SY. NO.66, JAIL MAIN ROAD
NAGANATHAPURA
B.B.M.P. WARD NO.191, B B M P
SINGHASANDRA WARD
BENGALURU-560 100

51(b) ANITHA A.V
D/O LATE PRAMILA AND
LATE A.V. VISWANATH
AGED ABOUT 60 YEARS
SY.NO.66, JAIL MAIN ROAD
NAGANATHAPURA
B.B.M.P. WARD NO.191, B.B.M.P
SINGHASANDRA WARD
BENGALURU-560 100

52. SRI KARIYANNA
AGED ABOUT 84 YEARS
S/O LATE VEERANAGAPPA

R/OF BHAKTHARAHALLI
KASABA HOBLI
MADHUGIRI TALUK
TUMKURU DISTRICT
PIN CODE-572 102

53. P.M. SRINIVASA REDDY
AGED ABOUT 72 YEARS
S/O LATE MUNIYAPPA
R/AT NO.306, 1ST FLOOR
14TH CROSS, 8TH MAIN
SECTOR-6, HSR LAYOUT
BENGALURU-560 102

54. SMT. UMA DEVI
AGED ABOUT 84 YEARS
W/O LATE KRISHNA REDDY
R/AT AT NO. 306
I FLOOR, 14TH CROSS
8TH MAIN, SECTOR-6
HSR LAYOUT
BENGALURU -560 102

55. SRI NARAINDAS BODARAM
S/O LATE BODARAM AHUJA
SINCE DEAD BY LRS

55(a) SHRI ABHISHEK AHUJA
AGED ABOUT 40 YEARS
S/O LATE NARAINDAS BODARAM
R/AT PHOENIX KESSAKU MIZU
24 AND 25
DR. RAJKUMAR ROAD
RAJAJINAGAR
1ST BLOCK
BENGALURU-560010

55(b) SHRI GAURAV AHUJA
AGED ABOUT 37 YEARS
S/O LATE NARAINDAS BODARAM
OFFICE AT NO.33, 3RD FLOOR
SNS CHAMBERS, NO.239
SANKEY ROAD

SADASHIVANAGAR
BANGALORE-560080

**(AMENDED V/O
DATED 07.09.2026)**

56. SRI M DEVENDRA
S/O LATE U MANI REDDY
AGED ABOUT 64 YEARS
NO. 2453, 17TH E CROSS
9TH MAIN, BSK 2ND STAGE
BENGALURU-560070

57. SRI K SWARUP KUMAR REDDY
S/O LATE K RAMALINGA REDDY
AGED ABOUT 67 YEARS
R/AT NO. 1113, 3RD FLOOR
'HSG PEARL', 3RD CROSS
25TH MAIN, 1ST PHASE
J P NAGAR, BENGALURU-560078

58. SRI SADASIVA REDDY
S/O LATE B P NARAYANA REDDY
AGED ABOUT 67 YEARS
NO. 1, SOURABHA
NAVARATHAN GARDENS ROAD
MUNI REDDY LAYOUT
1ST BLOCK, NARAYANA NAGAR
BENGALURU-560062

59. SMT. P MANGALESHWARI
AGED ABOUT 76 YEARS
W/O M S PALANICHAMI
R/AT NO. 3054, 8TH MAIN
BANASHANKARI II STAGE
BENGALURU-560070

60. M VASANTHA
AGED ABOUT 59 YEARS
W/O M S PRABHAKAR GUPTA
R/AT NO. 25, SUNKENAHALLI
BULL TEMPLE ROAD
BENGALURU

61. SMT. K RUKMINI
SINCE DEAD REP BY HER LRS

61(a) K. VEERESHAM
H/O LATE K. RUKMINI
AGED ABOUT 72 YEARS
R/AT NO.31, SUNKENAHALLI
BULL TEMPLE ROAD
BENGALURU

61(b) K SUMITH KUMAR
S/O LATE K. RUKMINI
AGED ABOUT 47 YEARS
R/AT NO.31, SUNKENAHALLI
BULL TEMPLE ROAD
BENGALURU

61(c) K. SHASHI KIRAN
S/O LATE K. RUKMINI
AGED ABOUT 45 YEARS,
R/AT NO.31, SUNKENAHALLI
BULL TEMPLE ROAD
BENGALURU

62. SMT. REDDY KANTHAMMA
W/O LATE NAGABASI REDDY
AGED ABOUT 76 YEARS

63. SMT. KAVITHA
D/O LATE NAGABASI REDDY
AGED ABOUT 57 YEARS

64. SRI NARESH KUMAR
S/O LATE NAGABASI REDDY
AGED ABOUT 55 YEARS

65. SRI SURESH KUMAR SADIPIRALLA
S/O LATE NAGABASI REDDY
AGED ABOUT 51 YEARS

ALL ARE R/AT FLAT NO.302
"BON VIVEUR HEIGHTS"
1ST CROSS
8TH B' MAIN

VIJAYA BANK COLONY
BENGALURU-560 076

66. SRI S PRABAKAR
SON OF L V SRINIVASAN
AGED ABOUT 59 YEARS
RESIDING AT NO.17
MIG KHB COLONY,
MANGALA KALYANA MANTAPA
KORAMANGALA, VI BLOCK
BENGALURU-560 095

67. SRI B.C. KUMAR
S/O LATE B C CHIKKEGOWDA
AGED ABOUT 62 YEARS
RESIDING AT NO.666
10TH 'A' CROSS ROAD
4TH MAIN ROAD, SRINAGAR
BENGALURU-560 050

68. SMT. RADHA SITARAM
AGED ABOUT 92 YEARS
W/O LATE RAMA IYER SITARAM
R/AT NO. 96, "SANTHRUPTHI"
OPP. PARK, III MAIN
(OLD 17TH CROSS)
ITI LAYOUT
CHANDRA LAYOUT, I STAGE
BENGALURU-560 039

BY HER ATTORNEY
SRI NAGARAJU
S/O LATE VENKATARAVANAPPA
AGED ABOUT 79 YEARS
R/AT NO. 96, SANTHRUPTHI
OPP. PARK, III MAIN
(OLD 17TH ROSS)
ITI LAYOUT
CHANDRA LAYOUT I STAGE
BENGALURU-560 039

…RESPONDENTS

(BY SRI KIRAN KUMAR K, ADVOCATE FOR R1 TO R12, R13(a), R14, R15, R16(a), R17 TO R21, R23 TO R25, R29 TO R36, R39

TO R43, R44 TO R46, R47 TO R50, R51.1, R51.2, R66, R67, R22, R26, R27, R28, R37 & R44 TO R46;
SRI RAMU SREEKANTAIAH, ADVOCATE FOR R62 TO R65;
SRI MANMOHAN P.N. FOR SRI VINAY .N, ADVOCATES FOR R59, R60, R61.1, R61.2 AND R61.3;
SRI G.V. CHANDRASHEKAR, SENIOR COUNSEL FOR
SRI H.C. SUNDARESH AND SRI SUHAS .S, ADVOCATES FOR R53 & R54;
SRI CHANDRAIAH, ADVOCATE FOR R68;
SRI BHUVAN B M FOR SRI B.C. SEETHARAMA RAO, ADVOCATES FOR R52;
SRI ASHOK HARANAHALLI, SENIOR COUNSEL FOR
SRI ABHINAY Y.T., ADVOCATE FOR R56 TO R58;
SRI G. SRIDHAR, ADVOCATE FOR R55(a) & R55(b);
SRI MAHESH H.S., ADVOCATE FOR R55;
SRI BYREGOWDA, ADVOCATE FOR R56 TO R58)

THIS WRIT APPEAL IS FILED U/S 4 OF THE KARNATAKA HIGH COURT ACT PRAYING TO SET ASIDE THE FINAL ORDER DATED 02/05/2025 PASSED IN W.P.NOS.51697/2013, 51672/2013, 57465/2013, 1114/2014, 4611/2014, 4456/2017, 47110/2017, 21618/2022, 2438/2023, 14658/2024 AND 35725/2024 BY THE LEARNED SINGLE JUDGE AND ALLOWED THE SAID WRIT PETITIONS IN PART.

THIS APPEAL HAVING BEEN HEARD AND RESERVED FOR JUDGMENT ON 10.09.2026, 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 MR. JUSTICE H.SHANTHI BHUSHAN

CAV JUDGMENT

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

At the heart of the present controversy lies a question that must be examined in the broader context of the evolving needs of society, the administration of criminal justice, and the State's constitutional obligation to maintain an effective and humane custodial system. As society grows and the nature and incidence of crime present ever-evolving challenges, the need for adequate custodial facilities, capable of accommodating persons committed to judicial custody while ensuring security, discipline and dignity, assumes increasing significance. The establishment and expansion of prisons must, therefore, be viewed not merely as an administrative response to the demands of confinement, but as an essential component of the criminal justice system. Modern penology recognises that imprisonment is not confined to retribution alone – it must also create conditions conducive to reformation, rehabilitation and

the eventual reintegration of prisoners into society. These objectives cannot be achieved without adequate space and infrastructure for secure accommodation, segregation, healthcare, education, vocational training, psychological support and other rehabilitative measures. The Central Prison at Parappana Agrahara, Bengaluru, being a vital institution in the custodial framework of the State, must be equipped to meet these expanding requirements. The acquisition of additional land for its expansion must accordingly be assessed in the light of the growing needs of society, the imperatives of public safety, and the larger public interest in maintaining a prison system that balances the legitimate demands of custody with the enduring objectives of correction and reformation.

I **PREFACE:**

The present appeal has been filed by the Appellant-State, aggrieved by the order of the learned Single Judge dated 02.05.2025 passed in W.P.No.51697/2013 and connected matters, wherein the writ petitions filed by the Respondent-landowners were partly allowed.

II BRIEF FACTS:

The brief facts leading to the present appeal are as follows:

1. The Respondents are the respective landowners of lands situated in Sy.Nos. 65, 66, 67/2, 68/1, 69, and 71, in total measuring 19 acres 18 guntas situated in Naganathapura Village, Begur Hobli, Bangalore South Taluk (hereinafter referred to as 'subject lands').

1st Set of Notifications

2. The Appellant – State issued a notification dated 19.02.1980, proposing to acquire the lands in Sy.No. 65 for the purpose of Central Jail, Bengaluru. The Appellant – State utilised the said notified land for the purpose of providing a road to the new central jail.

3. Thereafter, a notification dated 09.03.1989 was issued by the Appellant-State, proposing to acquire the remaining extent of lands in the subject lands. This was followed by a Final Declaration dated 24.05.1990 being issued u/s 6(1) of the Land Acquisition Act, 1894 (hereinafter referred to as '1894 Act'). This was

challenged by the Respondent-landowners in W.P.No.6153/1990 and connected matter. Subsequently, the Respondent-State withdrew the Final Declaration dated 24.05.1990, and vide order dated 26.08.1992, the writ Court disposed of the Writ Petitions as having become infructuous.

2nd Set of Notifications

4. The Appellant – State issued another Preliminary Notification dated 22.12.1998 u/s 4(1) of the 1894 Act notifying the remaining extent of land for the purpose of construction of new Central Jail, Bangalore. Vide order dated 10.06.2001 passed by the Appellant – State under Section 17 of the 1894 Act, the Appellant – State permitted the acquisition of the remaining lands. The said order was challenged in W.P.No.10883/2012, and vide order dated 12.04.2012, a Coordinate Bench of this Court allowed the writ petition, quashed the order dated 20.06.2001, and granted liberty to the State to take action in accordance with law by issuing a notification under Section 4(1) of the 1894 Act and granting an

opportunity of being heard to the Respondent-landowners.

3rd Set of Notifications

5. Thereafter, the Appellant – State issued a Preliminary Notification dated 19.07.2012 under Section 4(1) of the 1894 Act, proposing to acquire the very same remaining subject lands. The Respondent-landowners filed their objections before the Appellant No.4-Special Land Acquisition Officer (SLAO) on 23.08.2012, and the Appellant No.2 – SLAO passed an order on 25/26.03.2013, explaining the existing condition of the land and requesting to take appropriate decision in the matter. Thereafter, the Appellant – State issued Final Declaration dated 07.08.2013 under Section 6(1) of the 1894 Act.

6. Aggrieved by the Preliminary Notification dated 19.07.2012 and Final Declaration dated 07.08.2013, the Respondent-landowners filed W.P.No.51697/2013 and connected matters praying for quashing of the said Notification and Declaration. Vide impugned order dated 02.05.2025, the learned Single Judge partly allowed the

batch of writ petitions, quashed the Final Declaration dated 07.08.2013 and directed the Appellant – State to take an appropriate decision afresh after taking into consideration the report of the Appellant No.2 – SLAO issued under Section 5A(2) along with the objections filed by the Respondent-landowners under Section 5A(1) as well as the version of the Additional Director General of Police and Inspector General of Prisons as expeditiously as possible.

7. Being aggrieved by the impugned order dated 02.05.2025, the present writ appeal has been filed by the Appellant-State. On 29.07.2026, this Court passed the following interim order with a direction to maintain status quo over the possession, construction, and development over the lands in question:

> *"Sri K. Kiran Kumar, learned counsel undertakes to file vakalath for respondent Nos.1 to 50.*
>
> *I.A.No.1/2026 is filed under Section 5 of the Limitation Act, by the learned AGA seeking to condone the delay of 259 days in filing the appeal.*
>
> *Till date no objection has been filed by respondents to I.A.No.1/2026.*

Considering the reasons assigned in the affidavit accompanying the application, delay of 259 days is condoned. I.A.No.1/2026 is allowed.

The parties are directed to maintain status quo in respect of possession, construction and development in respect of the lands in question, until further orders.

Learned AGA appearing for the appellants submits that hand notice has been served on the respondents, hence there is no requirement for paying the process fee.

Post this appeal on 12.08.2026."

III SUBMISSIONS ON BEHALF OF THE APPELLANT:

8. Sri M N Sudev Hegde, learned Additional Government Advocate appearing for the Appellants has submitted that the subject notified lands are all required for buffer zone and construction of Prison as required by Rule 876(IV) of Chapter 45 of Prisons Correctional Services Manual, 2021 for the safety and security of the Prisons. There shall be no building or construction upto 200 meters of main wall of Central Prison. It has been further submitted that since the notified lands come within the area of buffer zone and are located within 200 meters of the mail wall, they are inevitably necessary and find their place for acquisition.

8.1 It has been further submitted that the Final Declaration herein dated 07.08.2013 was in consonance with the 1894 Act after hearing the objections of the Respondent-landowners and thus, there was no failure on part of the State in not complying with Section 5A of the 1894 Act.

8.2 It has been further submitted that in order to reduce the overcrowding of Prison, high security Prison is required to be built on the premises. If the land is de-notified, there is possibility of unauthorised, irregular constructions coming up in the buffer zone. Since the Prison is a very sensitive area, there poses a security risk that when there is construction of multi-storied building and high-rise apartments in the buffer zone, there is a possibility of entry of mobiles, Ganja, etc. which will affect the administration and safety of the Prison.

8.3 It has been submitted that more than a thousand officers and staff sanction are to be near the Prison for Emergency duty. Therefore, it is necessary to acquire the notified lands not only for construction of Prison, but also to construct Staff Quarters.

8.4 It is further submitted that there is no alternate land available for construction of the Jail for overcrowding prisoners, presently exceeding 5000 in the existing Central Jail. The learned Single Judge, while passing the impugned order, noted that the extent of 113 acres of land at Devanahalli is for an authorised capacity of 600 Prisoners only for the Devanahalli Taluk, Bengaluru Rural District. Therefore, the objections filed by the Respondent-landowners before the Appellant No.2 – SLAO under Section 5A of the 1894 Act, which came to be relied upon by the learned Single Judge, are not sustainable and ought to be rejected. Further, since the compensation amount is already quantified in respect of the Notified Lands during the acquisition proceedings, the acquisition ought to be upheld.

IV SUBMISSIONS ON BEHALF OF THE RESPONDENTS:

9. Learned Counsels appearing for the respondent-landowners has submitted that the report prepared under Section 5A of the Appellant No.2 – SLAO dated 25/26.03.2013 is against the proposed acquisition of the lands. The said report records the objections raised by the Respondent-landowners

and also sets out the observations of the Appellant No.2 – SLAO.

9.1 It has been submitted that the Final Declaration dated 07.08.2013 passed under Section 6(1) of the 1894 Act by the Appellant – State in respect of the proposed acquisition is vitiated by the absence of any prior decision of the appropriate Government to acquire the subject lands. The formation of such a decision by the appropriate Government is a condition precedent to the lawful exercise of power under Section 6(1) and in absence of the same, the impugned Final Declaration is without jurisdiction and ultra vires the provisions of the 1894 Act, and is, therefore, liable to be quashed and set aside.

9.2 It has been further submitted that since the acquisition proceedings have been initiated, and the Final Declaration dated 07.08.2013 has been issued, without compliance with the statutory precondition and without lawful authority, the deprivation of the Respondent-landowners' properties is contrary to Article 300A of the Constitution of India.

9.3 It has been submitted that the correspondence dated 14.06.2012 issued by the Appellant No.2 – SLAO to the

Appellant NO.7 – Deputy Commissioner, Bengaluru Urban District, records the observations and views of the Appellant No.2 – SLAO opposing the proposed acquisition of lands.

9.4 Reliance has been placed on the following decisions to support the abovementioned contentions:

1. ***NARENDRA & CO. (P) LTD. v. WORKMEN, (2016) 3 SCC 340***
2. ***USHA STUD & AGRICULTURAL FARMS (P) LTD. v. STATE OF HARYANA, (2013) 4 SCC 210***
3. ***HINDUSTAN PETROLEUM CORPN. LTD. v. DARIUS SHAPUR CHENAI, (2005) 7 SCC 627***
4. ***WOMEN'S EDUCATION TRUST v. STATE OF HARYANA, (2013) 8 SCC 99***
5. ***KAMAL TRADING (P) LTD. v. STATE OF W.B., (2012) 2 SCC 25***

9.5 It is submitted that the report of the Appellant No.2 – SLAO dated 25.03.2013 recommends that it is not possible to keep the said buffer zone on all sides, and since the cost of acquisition is high and unbearable for the Government and

specifically, the Home and Economic Department was to examine and decide the purpose of acquisition of lands.

9.6 It is further submitted that prior to 2017, no landlord had challenged the acquisition. The writ petitions were filed by the purchasers of the notified lands prior to the issuance of the Preliminary Notification under Section 4(1) dated 19.07.2012. These writ petitions were filed on the ground that despite the purchasers of subject lands submitting their objections before the Appellant No.2 – SLAO during the Section 5A proceedings, their names were not recorded as landowners in the Final Declaration dated 07.08.2013 issued under Section 6(1) of the 1894 Act.

9.7 Learned counsel appearing for Respondent Nos. 53 and 54, submitted that the Report dated 25.03.2013 issued by Appellant No.2 – SLAO under Section 5A of the 1894 Act noted that the Appellant No.5 - Additional Director general of Police, along with the Inspector General of Karnataka Prisons, Bangalore – being the land acquisition agencies – did not appear during the inquiry proceedings and hence, cannot assail the said Section 5A Report. Thus, the issuance of the Final

Declaration dated 07.08.2013 under Section 6(1) of the 1894 Act without considering the statutory report stood vitiated.

9.8 It is further submitted that the State has not maintained any buffer zone towards the Western Side of the Central Prison. It is to be noted that houses have been constructed at a distance of 4 meters from the compound wall. Further, the lands in Sy.No.49/1 measuring 2 acres 10 guntas were acquired by the Appellant – State vide Preliminary Notification dated 23.04.1992 and Final Declaration dated 10.03.1994. The said notification and declaration were challenged by the landowners in W.P.No.46244/2001 before this Court. Vide order dated 04.06.2007, this Court quashed the said final declaration. Thereafter, no steps were taken by the State to acquire the said lands. It is also to be noted that the lands in Sy.No.49/1 is attached to the existing Central Jail, and the same has not been notified for acquisition in the impugned notifications.

9.9 It has been submitted that the writ Court, in its order dated 04.06.2007, noted that the total unused land that is available with the Department of Prisons is 34 acres. Apart from the 34 acres of unused land, new constructions are coming up in an extent of 16.23 acres and 4 acres to

accommodate 1000 male prisoners and 500 female prisoners respectively. It can be inferred that the request of beneficiary of the lands – Department of Prisons – as projected vide the acquisition proceedings has been met. According to the Appellant – State, there is unutilised land to an extent of 138 acres in Devanahalli Taluk itself.

9.10 Learned Counsel appearing for Respondent No.68 has submitted that as per the Doctrine of Legitimate Expectation, once the earlier acquisition proceedings have been withdrawn, the Respondent-landowners legitimately believed that their properties stood released permanently. Due to inordinate delay and laches, the Preliminary Notification is of 2012, and even after lapse of more than a decade, the award amount has not been deposited, and no lawful possession has been taken over the notified lands.

9.11 It has been submitted that the proceedings under Section 5A before the Appellant – SLAO were empty and vague. The objections filed by the Respondent-landowners were not objectively considered by the Appellant – SLAO before preparing the report under Section 5A(2). The SLAO himself reported existence of RCC buildings, residential layouts,

engineering workshops, and developed sites existing on the subject notified lands. Since the Final Declaration dated 07.08.2013 does not consider the said report of the SLAO, it suffers from non-application of mind.

9.12 It has been contended that the scope of jurisdiction of the High Court in a writ appeal does not include re-appreciation of evidence, and that findings based on records cannot be substituted merely because another view is possible. A complete re-hearing of the writ petitions, as sought for by the Appellants, is impermissible under law.

V ISSUES FOR CONSIDERATION:

10. In the light of the pleadings on record, the submissions advanced by the learned counsel for the parties, and the impugned order passed by the learned Single Judge, the following issues arise for our consideration:

i. Whether the learned Single Judge was justified in quashing the Final Declaration dated 07.08.2013 and directing the State to take a fresh decision after considering the report of the Special Land Acquisition Officer, the objections of the

landowners, and the views of the Additional Director General of Police and the Inspector General of Prisons, or whether the impugned order warrants interference in the present writ appeal?

ii. Whether the procedure for acquisition of lands as stipulated under the Land Acquisition Act, 1894 has been duly followed by the State Authorities, particularly in the light of the report of the Special Land Acquisition Officer and that of the views of the Additional Director General of Police and the Inspector General of Prisons?

iii. Whether the proposed acquisition of the subject lands for the expansion and security of the Central Prison at Parappana Agrahara, including the provision of a buffer zone and staff quarters, constitutes a sufficient 'public purpose' to sustain the acquisition, having regard to the objections concerning the existing prison infrastructure, alternative lands, and the availability of unutilised land at Devanahalli?

VI ANALYSIS AND CONCLUSION:

11. We have heard the contentions of the learned Counsels appearing for the parties. Since the issues are inter-linked, our discussion will consider the aforementioned issues together.

12. Before we go into the averments of the parties with respect to the issues for consideration, it is necessary to take note of the provisions of Sections 5A and 6 of the 1894 Act, which are extracted as hereunder:

> ***"5A. Hearing of objections.***
>
> *(1) Any person interested in any land which has been notified under section 4, sub-section (1), as being needed or likely to be needed for a public purpose or for a Company may, [within thirty days from the date of the publication of the notification], object to the acquisition of the land or of any land in the locality, as the case may be.*
>
> *(2) Every objection under sub-section (1) shall be made to the Collector in writing, and the Collector shall give the objector an opportunity of being heard [in person or by any person authorized by him in this behalf] or by pleader and shall, after hearing all such objections and after making such further inquiry, if any, as he thinks necessary, [either make a report in respect of the land which has been notified under section 4, sub-section (1), or make different reports in respect of different parcels of such land, to the appropriate Government, containing his recommendations on the*

objections, together with the record of the proceedings held by him, for the decision of that Government]. The decision of the [appropriate Government] on the objections shall be final.

(3) For the purpose of this section, a person shall be deemed to be interested in land who would be entitled to claim an interest in compensation if the land were acquired under this Act.]

6. Declaration that land is required for a public purpose.

(1) Subject to the provision of Part VII of this Act, [appropriate Government] is satisfied, after considering the report, if any, made under section 5A, sub-section (2)], that any particular land is needed for a public purpose, or for a Company, a declaration shall be made to that effect under the signature of a Secretary to such Government or of some officer duly authorized to certify its orders [and different declarations may be made from time to time in respect of different parcels of any land covered by the same notification under section 4, sub-section (I) irrespective of whether one report or different reports has or have been made (wherever required) under section 5A, sub-section (2)];

[Provided that no declaration in respect of any particular land covered by a notification under section 4, sub-section (1)-

(i) published after the commencement of the Land Acquisition (Amendment and Validation) Ordinance, 1967 (1 of 1967), but before the commencement of the Land Acquisition (Amendment) Act, 1984 (68 of 1984), shall be made after the expiry of

three years from the date of the publication of the notification; or

(ii) published after the commencement of the Land Acquisition (Amendment) Act, 1984 (68 of 1984), shall be made after the expiry of one year from the date of the publication of the notification:]

[Provided further that] no such declaration shall be made unless the compensation to be awarded for such property is to be paid by a Company, or wholly or partly out of public revenues or some fund controlled or managed by a local authority.

[Explanation 1. - In computing any of the periods referred to in the first proviso, the period during which any action or proceeding to be taken in pursuance of the notification issued under section 4, sub-section (1), is stayed by an order of a Court shall be excluded.

Explanation 2. - Where the compensation to be awarded for such property is to be paid out of the funds of a corporation owned or controlled by the State, such compensation shall be deemed to be compensation paid out of public revenues.]

(2) [Every declaration] shall be published in the Official Gazette [and in two daily newspapers circulating in the locality in which the land is situated of which at least one shall be in the regional language, and the Collector shall cause public notice of the substance of such declaration to be given at convenient places in the said locality (the last of the dates of such publication and the giving of such public notice, being hereinafter referred to as the date of the publication of the declaration), and such declaration shall state] the district or other territorial division in which the land is

> *situate, the purpose for which It is needed, its approximate area, and, where a plan shall have been made of the land, the place where such plan may be inspected.*
>
> *(3) The said declaration shall be conclusive evidence that the land is needed for a public purpose or for a company, as the case may be; and, after making such declaration, the [appropriate Government] may acquire the land in manner hereinafter appearing."*

Consideration of the Availability of Alternative Lands by the SLAO under Section 5A(2) of the 1894 Act Renders the Finding of the Learned Single Judge to the Contrary Unsustainable

13. It is the contention of the Appellant – State that the procedure as laid down in Section 5A of the 1894 Act was duly followed by considering the objections of the Respondent-landowners. However, it is the contention of the Respondent-landowners that the objections filed before the Appellant No.2 – SLAO during the 5A inquiry proceedings were not objectively considered. The learned Single Judge, in the impugned order, has observed that the Appellant No.2 – SLAO, in his report dated 25.03.2013, has not considered the objection of availability of alternate lands in Devanahalli Taluk as raised by the Respondent-landowners. The question that arises for our consideration is whether the Appellant No.2 – SLAO's non-consideration of the objection of alternate lands being available,

as raised by the Respondent-landowners, would render the report of the SLAO under Section 5A(2) and the subsequent Final Declaration dated 07.08.2013 void.

14. A perusal of the report dated 25.03.2013 prepared under Section 5A(2) of the Act would indicate that the objections were duly considered by the Appellant No.2 – SLAO before making the recommendations. It is also to be noted that the SLAO has considered the objection of the availability of alternate land and has recommended discussions at a high level over the utilisation of the same. Relevant extract of the said order is as follows:

> *"Even if I fix the price of the land today, it is likely to be hundreds of crores of rupees in the above context. It should be noted here that the government has to spend hundreds of crores of rupees to build a prison.* ***As a solution to this, as mentioned in the objection, it is necessary to discuss at a high level why a small portion of the 113 acres of land in Devanahalli taluk, Vijayapura hobli, Koramangala village belonging to the Prison Department should not be used. If this is done, the government will not be able to pay for the land to build the prison. The government will save hundreds of crores of rupees.***
>
> *A 220 kilowatt high-voltage power line passes through the lands subject to land acquisition. It is against the law to build a*

> *building inside this power line and on its side. Crores of rupees may be spent to replace the high-tension line, this matter also needs to be discussed at a high level.*
>
> *The Bangalore Development Authority prepared the 2015 Comprehensive Intensive Development Plan in 2007. In this, the lands subject to land acquisition have been earmarked for agricultural and commercial/industrial purposes. These lands are not reserved for public purposes. This is also an important factor to be examined in the land acquisition process.*
>
> *It is not possible to keep a 75-meter buffer zone on all four sides around the new building for the prison.*
>
> *The above points are facts.* ***Since the cost of this land acquisition is high and unbearable for the government, the government is free to take an appropriate decision after a thorough examination in the backdrop of this difficult reality***."

15. The objection of availability of alternate lands was not only considered by the Appellant No.2 – SLAO but also suggested for discussions at a high level before proceeding with the acquisition of the subject lands since the cost of such acquisition would be saved by utilising the alternate lands. Thus, we find that the observation of the writ Court that there has been no whisper with regard to consideration of the alternative lands is unsustainable and contrary to the material available on record.

Objective Consideration of Objections under Section 5A(2) of the 1894 Act Does Not Require Elaborate Discussion of Each Objection, and the Absence Thereof Does Not, by Itself, Render the SLAO's Report or the Subsequent Final Declaration Invalid

16. It is well settled that the Report of the SLAO prepared under Section 5A(2) is to be made after not only giving an opportunity of being heard to the landowners but also considering the objections with due application of mind. However, it is further well settled that the exercise undertaken by the SLAO while considering objections under Section 5-A of the Land Acquisition Act, 1894, is essentially administrative in nature and does not require an adjudication akin to that rendered by a judicial or quasi-judicial authority. The statutory requirement is that the objections raised by the persons interested must receive due, fair and objective consideration before the SLAO forms an opinion and submits the report to the appropriate Government. The law does not mandate that each objection must be dealt with separately or answered in an elaborate manner, nor does it require the SLAO to record detailed reasons in the form of a judgment. What is material is that the consideration undertaken is real and substantive, and not merely mechanical or perfunctory. The report, when read as

a whole and in the context of the material available on record, must reflect due application of mind to the objections raised and the issues arising therefrom.

17. The adequacy of consideration by the SLAO, therefore, cannot be judged merely by the length of the report or the extent of discussion devoted to each objection. Brief reasons and concise recommendations would satisfy the requirement of law where they sufficiently indicate that the objections have been considered objectively and that the report has been prepared upon due application of mind. The absence of an elaborate discussion on a particular objection would not, by itself, lead to an inference that such objection was not considered, particularly where the report or the contemporaneous record demonstrates otherwise. At the same time, the requirement of objective consideration cannot be reduced to a mere formality, and a report reflecting a mechanical rejection of objections without due consideration would not meet the statutory mandate. The test, therefore, is whether the report, read as a whole and in the light of the relevant record, demonstrates genuine consideration of the objections and a reasoned formation of opinion, and not

whether every objection has been dealt with in exhaustive detail.

18. In ***HARYANA URBAN DEVELOPMENT AUTHORITY v. ABHISHEK GUPTA (2024 SCC ONLINE SC 2991)***, the Supreme Court held that Section 5A mandates a procedure and not a particular outcome, and laid down the procedure as follows:

> *"13. It would be pertinent to understand the object that Section 5A of the 1894 Act seeks to fulfil. A plain reading of the provision indicates that it codifies the fundamental safeguard of audi altrem partem. Landowners have the opportunity to demonstrate that the acquisition is against public purpose or marred by mala fides. In the event the landowner presents a cogent case, the appropriate government may exempt such land from acquisition. By enabling landowners to put forward their perspective and elucidate their remonstrances, Section 5A envisions a modus of deliberation and consultation, which must therefore be construed to be mandatory, akin to a right. (Women's Education Trust v. State of Haryana, (2013) 8 SCC 99)*
>
> *14. Objections under Section 5A of the 1894 Act most often proceed in four distinct stages:*
>
> *i. The filing stage : Landowners can file objections within thirty days of the notification issued under Section 4 of the 1894 Act;*

> *ii. The hearing stage : The Collector must provide an oral hearing to the objecting landowners, either in person or through a pleader/authorized representative; (NOIDA v. Darshan Lal Bora, 2024 INS 508)*
>
> *iii. The recommendation stage : The Collector—after hearing objections and upon further inquiry—makes a report to the appropriate government containing their recommendations; and*
>
> *iv. The decision stage : The appropriate government considers the Collector's report and takes a final decision on the objections."*

19. The learned Single Judge has relied on the decision in ***RAGHBIR SINGH SEHRAWAT v. STATE OF HARYANA [(2012) 1 SCC 792]*** to observe that the report of the SLAO dated 25.03.2013 does not reflect objective consideration of the objections raised. We find the said observation to be unsustainable, inasmuch as it has been already observed that the objections have been duly considered by the SLAO in the report dated 25.03.2013. The relevant paragraphs of the said decision are as follows:

> *"39. In this context, it is necessary to remember that the rules of natural justice have been ingrained in the scheme of Section 5-A with a view to ensure that before any person is deprived of his land by way of compulsory acquisition, he must get an opportunity to oppose the decision of the State Government and/or its*

> *agencies/instrumentalities to acquire the particular parcel of land. At the hearing, the objector can make an effort to convince the Land Acquisition Collector to make recommendation against the acquisition of his land. He can also point out that the land proposed to be acquired is not suitable for the purpose specified in the notification issued under Section 4(1). Not only this, he can produce evidence to show that another piece of land is available and the same can be utilised for execution of the particular project or scheme.*
>
> *40.* ***Though it is neither possible nor desirable to make a list of the grounds on which the landowner can persuade the Collector to make recommendations against the proposed acquisition of land, but what is important is that the Collector should give a fair opportunity of hearing to the objector and objectively consider his plea against the acquisition of land. Only thereafter, he should make recommendations supported by brief reasons as to why the particular piece of land should or should not be acquired and whether or not the plea put forward by the objector merits acceptance. In other words, the recommendations made by the Collector must reflect objective application of mind to the objections filed by the landowners and other interested persons****."*

20. In ***UNION OF INDIA v. SHIV RAJ [(2014) 6 SCC 564]***, the Supreme Court held as follows:

> *"13. Section 5-A(2) of the 1894 Act, which represents statutory embodiment of the rule of audi alteram partem, gives an*

opportunity to the objector to make an endeavour to convince the Collector that his land is not required for the public purpose specified in the notification issued under Section 4(1) of the 1894 Act or that there are other valid reasons for not acquiring the same. Thus, Section 5-A of the 1894 Act embodies a very just and wholesome principle that a person whose property is being or is intended to be acquired should have a proper and reasonable opportunity of persuading the authorities concerned that acquisition of the property belonging to that person should not be made.

14. On the consideration of the said objection, the Collector is required to make a report. The State Government is then required to apply its mind to the report of the Collector and take final decision on the objections filed by the landowners and other interested persons. Then and then only, a declaration can be made under Section 6(1) of the 1894 Act.

15. Therefore, Section 5-A of the 1894 Act confers a valuable right in favour of a person whose lands are sought to be acquired. It is trite that hearing given to a person must be an effective one and not a mere formality. Formation of opinion as regard the public purpose as also suitability thereof must be preceded by application of mind having due regard to the relevant factors and rejection of irrelevant ones. The State in its decision-making process must not commit any misdirection in law. It is also not in dispute that Section 5-A of the 1894 Act confers a valuable important right and having regard to the provisions, contained in Article 300-A of the Constitution of India has been held to be akin to a fundamental right. Thus, the limited right given to an owner/person

interested under Section 5-A of the 1894 Act to object to the acquisition proceedings is not an empty formality and is a substantive right, which can be taken away only for good and valid reason and within the limitations prescribed under Section 17(4) of the 1894 Act.

16. ***The Land Acquisition Collector is duty-bound to objectively consider the arguments advanced by the objector and make recommendations, duly supported by brief reasons, as to why the particular piece of land should or should not be acquired and whether the plea put forward by the objector merits acceptance. In other words, the recommendations made by the Land Acquisition Collector should reflect objective application of mind to the entire record including the objections filed by the interested persons. [See Munshi Singh v. Union of India [(1973) 2 SCC 337] , Union of India v. Mukesh Hans [(2004) 8 SCC 14] , Hindustan Petroleum Corpn. Ltd. v. Darius Shapur Chenai [(2005) 7 SCC 627 : AIR 2005 SC 3520] , Anand Singh v. State of U.P. [(2010) 11 SCC 242 : (2010) 4 SCC (Civ) 423] , Dev Sharan v. State of U.P. [(2011) 4 SCC 769 : (2011) 2 SCC (Civ) 483] , Raghbir Singh Sehrawat v. State of Haryana [(2012) 1 SCC 792 : (2012) 1 SCC (Civ) 402] , Usha Stud and Agricultural Farms (P) Ltd. v. State of Haryana [(2013) 4 SCC 210 : (2013) 2 SCC (Civ) 556] and Women's Education Trust v. State of Haryana [(2013) 8 SCC 99 : (2013) 3 SCC (Civ) 721] .]"***

(emphasis supplied)

21. In the present case, the report dated 25.03.2013 demonstrates that the objections raised by the Respondent-landowners were considered by the SLAO in the context of the public purpose underlying the proposed acquisition. In particular, the objection regarding the availability of alternative lands at Devanahalli was expressly adverted to, and the SLAO recommended that the feasibility of utilising such lands, having regard to the substantial expenditure involved in the proposed acquisition, be examined at a higher level. The report also referred to the existing constructions on the notified lands, the high-tension power line passing through the same, the land-use classification under the development plan, and the feasibility of maintaining the proposed buffer zone. These observations indicate that the SLAO did not merely record the objections but identified the relevant issues requiring consideration before a final decision was taken by the appropriate Government. In the circumstances, we are unable to sustain the finding of the learned Single Judge that the objections were not objectively considered by the SLAO. The report, when read as a whole and in the context of the material available on record, reflects consideration of the objections raised by the Respondent-landowners.

22. In ***WOMEN'S EDUCATION TRUST v. STATE OF HARYANA [(2013) 8 SCC 99]***, the Supreme Court, while referring to a catena of decisions, articulated the essential principles governing an objective hearing under Section 5-A of the Land Acquisition Act, 1894. The Court emphasized that Section 5-A embodies the rule of *audi alteram partem*, ensuring landowners are afforded an effective opportunity to contest compulsory land acquisition before being deprived of their property. It affirmed that an interested person may challenge the acquisition on grounds such as lack of genuine public purpose, mala fides, arbitrariness, or the availability of more suitable alternative lands. In essence, the Supreme Court laid down that the Land Acquisition Collector is duty-bound to objectively consider all objections, apply an independent mind to the record, and submit a reasoned report to the Government. A final declaration under Section 6(1) can only be validly issued if the appropriate Government, upon an objective application of mind to both the objections and the Collector's recommendations, remains satisfied that the acquisition is necessary. The relevant paragraphs are extracted as hereunder:

"5. The principles which can be culled out from the abovenoted judgments are as under:

5.1. The rule of audi alteram partem engrained in the scheme of Section 5-A of the Act ensures that before depriving any person of his land by compulsory acquisition, an effective opportunity must be given to him to contest the decision taken by the State Government/competent authority to acquire the particular parcel of land.

5.2. Any person interested in the land, which has been notified under Section 4(1) of the Act, can file objections under Section 5-A(1) and show that the purpose specified in the notification is really not a public purpose or that in the guise of acquiring the land for a public purpose the appropriate Government wants to confer benefit upon private persons or that the decision of the appropriate Government is arbitrary or is vitiated due to mala fides.

5.3. In response to the notice issued by the Land Acquisition Collector under Section 5-A(2) of the Act, the objector can make all possible endeavours to convince the Land Acquisition Collector that the acquisition is not for a public purpose specified in the notification issued under Section 4(1); that his land is not suitable for the particular purpose; that other more suitable parcels of land are available, which can be utilised for execution of the particular project or scheme.

5.4. ***The Land Acquisition Collector is duty-bound to objectively consider the arguments advanced by the objector and make recommendations, duly supported by brief reasons, as to why the particular piece of land should or***

should not be acquired and whether the plea put forward by the objector merits acceptance. In other words, the recommendations made by the Land Acquisition Collector should reflect objective application of mind to the entire record including the objections filed by the interested persons.

5.5. The Land Acquisition Collector is required to submit his report and the recommendations to the State Government along with the record of proceedings to enable the latter to take final call on the desirability, propriety and justification for the acquisition of the particular parcel(s) of land.

5.6. The declaration under Section 6(1) of the Act can be issued only if the appropriate Government, on an objective application of mind to the objections filed by the interested persons including the landowners and the report of the Land Acquisition Collector, is satisfied that the land is needed for the particular purpose specified in the notification issued under Section 4(1) of the Act."

(emphasis supplied)

23. The Supreme Court in ***SAM HIRING CO v. A.R. BHUJBAL [(1996) 8 SCC 18]*** held as follows:

"6. The Land Acquisition Officer is not a judicial authority or a quasi-judicial authority. ***He exercised the power under Section 5-A, as an administrative authority. But the Act requires that he should consider the objections and, if asked, to give an opportunity of hearing. In this case, opportunity of***

> ***hearing was given and the objections raised were considered. The principle of natural justice has been complied with. He was not required to elaborately deal with each of the objections and submit the report. Considered from this perspective, we do not think that there is any error of law warranting interference****."*
>
> *(emphasis supplied)*

24. The Supreme Court in ***NHAI V. MADHUKAR KUMAR, (2022) 14 SCC 661***, relying on numerous decisions, held as follows:

> *"69.* ***We would hold that as noticed by the Bench of three Judges in Mahabir Jute Mills Ltd. [Mahabir Jute Mills Ltd. v. Shibban Lal Saxena, (1975) 2 SCC 818 : 1975 SCC (L&S) 460] , there is no general duty, when an administrative decision is taken, to give reasons. A statute may, however, explicitly provide that the executive authority must provide reasons and it must be recorded in writing.*** *A case in point is the first proviso to Rule 8 of the Rules itself. The desirability of a general duty, in the case of administrative action to support decisions with reason, is open to question. One of the most important reason is, the burden it would put on the administration.*
>
> *70. It is apposite, at this juncture, to notice that administrative decisions are made in a wide spectrum of situations and contexts. The executive power of the Union and States are provided in Articles 73 and 162 of the Constitution of India, respectively. Undoubtedly, in India, every State action*

must be fair, failing which, it will fall foul of the mandate of Article 14. ***It is, at this juncture, we may also notice that the duty to give reasons, would arise even in the case of administrative action, where legal rights are at stake and the administrative action adversely affects legal rights. There may be something in the nature or the context, under which, the administrative action is taken, which may necessitate the authority being forthcoming with rational reasons. There are other decisions, which essentially belong more to the realm of executive policy-making, which ordinarily may not require the furnishing of reasons.***

73. The Constitution does not contemplate any public authority, exercising power with caprice or without any rationale. ***But here again, in the absence of the duty to record reasons, the Court is not to be clothed with power to strike down administrative action for the mere reason that no reasons are to be found recorded. In certain situations, the reason for a particular decision, may be gleaned from the pleadings of the authority, when the matter is tested in a court. From the materials, including the file notings, which are made available, the court may conclude that there were reasons and the action was not illegal or arbitrary. From admitted facts, the court may conclude that there was sufficient justification, and the mere absence of reasons, would not be sufficient to invalidate the action of the public authority. Thus, reasons may, in certain situations, have to be recorded in the order. In other contexts, it would suffice that the reasons are to be found in the files. The court may, when there***

is no duty to record reasons, support an administrative decision, with reference to the pleadings aided by materials.”

(emphasis supplied)

25. Section 5-A of the Land Acquisition Act, 1894, provides a statutory safeguard to the persons interested by affording them an opportunity to raise objections against the proposed acquisition and by requiring such objections to be considered before further steps are taken in the acquisition proceedings. The object of the provision is to ensure that the objections receive due and objective consideration and that the decision to proceed with the acquisition is taken after following the prescribed procedure. The provision does not, however, contemplate that every objection raised must necessarily be accepted or that the proceedings must culminate in a decision favourable to the objectors. The procedure laid down in Section 5A does not contemplate for elaborate discussion on each objection to the extent that the objections become the outcome of the inquiry proceedings. All that is required is for the procedure to be duly followed with due application of mind. The right conferred is one of meaningful consideration of the objections in accordance with law, and not a right to secure a

particular outcome. Therefore, where the objections have been duly heard and considered, and the report has been prepared upon application of mind to the issues raised, the mere fact that the objections have not been accepted, or that the report does not contain an elaborate discussion of each objection, would not, by itself, constitute a ground to invalidate the acquisition proceedings. What is required to be examined is whether the prescribed procedure has been followed and whether the consideration of the objections is genuine and objective, rather than whether the conclusion reached is one that accords with the preference of the objectors.

26. In ***NEW OKHLA INDUSTRIAL DEVELOPMENT AUTHORITY V. DARSHAN LAL BOHRA (2024 SCC ONLINE SC 1690)***, the Supreme Court considered the effect of the absence of a formal order dealing with certain objections and emphasised that such an omission must be examined in the context of the applicable statutory provisions and the nature and legal effect of the objection concerned. The decision reinforces the principle that the validity of acquisition proceedings cannot be determined solely by reference to a formal deficiency, without examining whether the statutory

requirements have been substantially complied with and whether the omission has a material bearing on the legality of the acquisition. This, however, does not dilute the mandatory obligation to consider objections where the statute so requires. The determinative consideration remains whether the objections have received genuine and objective consideration and whether the decision-making process satisfies the statutory mandate.

27. The aforesaid principle has also been considered by the Supreme Court in ***ALOK KOTAHWALA v. JAIPUR METRO RAIL CORPN. LTD., 2026 SCC ONLINE SC 1324*** as follows:

> *"38. The principles emerging from the aforesaid precedents may now be crystallised, with expression of our opinion wherever divergent. Irrefragably, the provision in Section 5A of the LA Act engrafts a very valuable right for every landowner, who is faced with the immediate prospect of acquisition of his land. The provision is a mandatory safeguard, not only on its own terms, but because of the object and purpose that it seeks to achieve. Since a landowner is sought to be deprived of his property, the legislature in its wisdom thought it fit to afford to such landowner the only opportunity in the entire process to object to the necessity of the acquisition as well as the suitability of the land proposed to be acquired. By raising a valid defence, the landowner can show cause why his land*

should not be acquired and the proposal dropped. While filing of an objection in writing is enabled by Section 5A(1), the landowner is assured of a hearing pertaining to his said objection under Section 5A(2). He need not ask for it; it is the duty of the Collector to give notice of hearing. Though in Sam Hiring Co. (supra) this Court has held that it is for the landowner to ask for a hearing, we respectfully disagree with such a view not only based on the terms of Section 5A but also in light of the dictum of the 3-Judge Bench in Farid Ahmed Abdul Samad (supra). The settled legal position is that once objections under Section 5A(1) are filed, it is for the Collector to fix a date of hearing and intimate the landowner. Absent conclusive proof of service of notice of hearing, the Court in New Okhla Industrial Development Authority (supra) presumed service. That is, however, a debatable proposition and has to cautiously applied having regard to the facts of each case. ***The Collector, though does not act in a judicial or quasi-judicial capacity but as an administrative authority, is bound to consider the objections upon granting an opportunity of hearing before embarking on a further inquiry, if need be; and bearing in mind all the relevant factors, he is required to furnish his recommendation, for or against the proposal, to the Government for its consideration. In furnishing the recommendation, the Collector is neither required to give a decision nor write a detailed order. All that is required of him is a consideration of each objection followed by brief reasons in support of its acceptability/non-acceptability and a recommendation as to the desirability of dropping the proceedings/ proceeding for issuance of a declaration***

under Section 6. *Though not bound by the recommendation of the Collector, the Government has to consider the records, apply its mind and, thereafter, form an opinion as to the imperative for issuing a declaration under Section 6. Since affectation of a landowner's property right is involved and the LA Act being an expropriatory legislation, the Courts are cautioned to strictly construe the provisions thereof.*

39. A landowner's right to object is, however, neither unqualified nor unlimited. The right is subject to the overarching principle that the State's power of eminent domain for public purpose should prevail. It is circumscribed by the purpose of the provision itself, which is to enable the Collector to consider the objections and opine whether the acquisition should proceed. The objection(s) of the landowner must, therefore, be germane to the purpose of acquisition. He cannot dictate which land the State should acquire. Land acquisition can be resisted only on grounds such as no real public purpose is involved, or that the land is not suitable for the purpose for which it is intended to be acquired, or that the proceedings smack of legal and/or factual malice (attracting colourable exercise of power, excessive acquisition, etc.) or that the acquisition is likely to cause disproportionate hardship. Beyond this, the right does not seem to extend.

64. The next argument advanced by Mr. Rohatgi was that there are no reasons in the order/report of the LAO evincing minimal consideration of each and every objection. ***While it is true that the reasoning of the LAO is brief and each objection has not been dealt with individually, we do not consider the argument worthy of***

> ***acceptance. Reference to the contents of the report has been made hereinbefore. While the report of the LAO could have been more elaborate, it must be remembered that a report under Section 5A need not be a speaking order in the judicial sense. The requirement is to form an opinion and recommend. Brevity of reasons is not synonymous with absence of reasons. Read as a whole, it cannot be said that the LAO failed to advert to the objections or that it failed or omitted to record the requisite opinion. The brevity of the report does not vitiate it. The purpose of Section 5A, which is to aid the State Government in taking a final decision, stands fulfilled in this case.***"
>
> *(emphasis supplied)*

28. The legal position emerging from the aforesaid decisions is that the report prepared under Section 5A(2) of the Land Acquisition Act, 1894, is not required to contain an elaborate or exhaustive discussion of every objection raised by the landowners, nor is the SLAO expected to record a separate or detailed finding on each contention as though adjudicating a *lis* in the strict sense. The statutory requirement, however, is not satisfied by a mere recital of the objections or a mechanical recommendation in favour of acquisition. It requires the SLAO to undertake a fair, independent and objective consideration of

the objections, having due regard to their nature, substance and relevance to the proposed acquisition, and to indicate, through brief reasons and recommendations, that the material issues raised have received genuine consideration. The report must, therefore, disclose a rational connection between the objections considered, the material available on record and the recommendation ultimately made. Where an objection concerns the very necessity for acquisition, the suitability of the identified lands or the availability of alternative land, the report must demonstrate that the substance of such objection has been examined, even if the SLAO does not accept the landowner's contention. The adequacy of the report must consequently be assessed on a substantive basis, having regard to its contents and the contemporaneous record, rather than merely by reference to the length or form of the reasons recorded. While brevity, by itself, does not render the report defective, the absence of elaborate reasoning cannot be used to excuse a failure to consider the objections in a meaningful manner. The essential test is whether the report, read as a whole, reflects due application of mind to the objections and furnishes a rational basis for the recommendation made under Section 5A(2) of the Act.

The Report of the SLAO made under Section 5A(2) of the Act is not binding on the State Government in order to issue Final Declaration under Section 6

29. It is the contention of the learned counsels appearing for the Respondent-landowners that the Final Declaration dated 07.08.2013 issued under Section 6(1) of the Act is unsustainable in law inasmuch as there was no prior decision taken by the State to acquire the subject lands, which is a pre-condition for the exercise of power under Section 6(1). The learned Single Judge, in the impugned order, has observed that the recommendations made by the SLAO in the 5A(2) Report dated 25.03.2013 were not considered by the State before issuing the Final Declaration dated 07.08.2013.

30. From a plain reading of the language of Section 5A(2) of the 1894 Act, it is clear that the language of the Section stipulates the Collector/SLAO to, upon considering the objections of the landowners, make a report in respect of the notified lands, containing the recommendations on the objections along with the record of proceedings, for the ultimate decision of the Government. The recommendations made by the SLAO are not binding on the State and are neither

decisive of the subsequent acquisition proceedings nor on the decision of the State as per the Final Declaration under Section 6.

31. The proposition of law that recommendations made by administrative bodies are not binding on the Courts or on the State, unless the language of the provision says otherwise, is beyond dispute. The decision of the Special Land Acquisition Officer (SLAO) or Collector, which is that of a quasi-judicial authority arrived at by quasi-judicial methods, may turn out to be final unless the appropriate government chooses to interfere *suo motu* or on application. *(See* ***SHYAM NANDAN PRASAD v. STATE OF BIHAR [(1993) 4 SCC 255]****)*. Although the report submitted after a Section 5A inquiry cannot be left out of consideration and must be actively reviewed by the appropriate government before making a public purpose declaration under Section 6, the final findings contained therein ultimately remain strictly non-binding on the government. (See ***UNION OF INDIA v. MUKESH HANS [(2004) 8 SCC 14]****)*. Though not bound by the recommendation of the Collector, the Government has to consider the records, apply its mind and, thereafter, form an opinion as to the imperative for issuing a declaration

under Section 6. Since affectation of a landowner's property right is involved and the LA Act being an expropriatory legislation, the Courts are cautioned to strictly construe the provisions thereof. *(See **ALOK KOTAHWALA** (Supra)).* In ***HARYANA URBAN DEVELOPMENT AUTHORITY*** *(Supra)*, the Supreme Court elaborately discussed the same as follows:

> *"17. The choice of different terminologies for the role of the Collector and the role of the Government makes it evident that the Legislature intended different roles for each of them.* ***The Collector has no power to "decide" the case and can only give "recommendations" to the Government. It is the Government which is the ultimate arbiter for determining whether the land is to be released or not. No other authority can dictate the outcome of Section 5A proceedings—neither the Collector nor the landowner (Shri Mandir Sita Ramji v. Lt. Governor of Delhi, (1975) 4 SCC 298). While the Collector's report can form the "basis" of such decision, the Government is free to independently evaluate and take a final decision, of course, based on relevant and lawful considerations.***
>
> *18.* ***It is therefore patently clear that the State Government possessed the ability to disagree with the Collector's report and decide a different course. This is not to say that the Government's decision cannot be challenged or is beyond judicial review****. Indeed, had the Respondents demonstrated that the decision was arbitrary or passed without due application of mind, then they could have*

> *been victorious in their challenge. However, the Respondents have not placed any evidence on record to lay such foundation…"*
>
> *(emphasis supplied)*

32. Applying the aforesaid principles to the facts of the present case, the mere circumstance that the SLAO, in the report dated 25.03.2013, made certain recommendations or expressed reservations regarding the proposed acquisition would not, by itself, render the Final Declaration dated 07.08.2013 issued under Section 6(1) of the Act invalid. The report under Section 5A(2) is recommendatory in nature, and the ultimate decision as to whether the acquisition should proceed rests with the State Government, which is required to independently examine the report, the objections raised by the landowners and the relevant material on record, and thereafter form its own opinion regarding the necessity of the acquisition for the public purpose in question. The State Government is, therefore, not bound to accept the recommendations of the SLAO in their entirety, nor does a recommendation warranting further examination or high-level consideration necessarily operate as a bar to the issuance of the Final Declaration. What the law mandates is that the State Government must apply its independent mind to the relevant material and arrive at a

decision on lawful and relevant considerations. In the present case, the proposed acquisition is intended for the expansion of the Central Prison at Parappana Agrahara, Bengaluru, a purpose involving significant considerations of custodial security, prison administration and public safety. The importance of such a public purpose does not dispense with the requirement of independent consideration by the State Government.

33. We are, therefore, of the considered view that the report submitted by the SLAO under Section 5A(2) of the Act, though an essential component of the statutory scheme and a material consideration for the State Government, is not binding upon the Government in determining whether a declaration under Section 6(1) should be issued. The State Government may differ from the recommendations contained therein, provided such departure is founded upon an independent application of mind to the relevant record and a *bona fide* assessment of the public purpose sought to be achieved. The absence of concurrence with the SLAO's recommendations does not, in itself, vitiate the acquisition.

The Final Declaration dated 07.08.2013 issued under Section 6 of the Act is not required to contain reasons or be preceded by a separate formal governmental decision

34. It is the contention of the learned counsel appearing for the respondent-landowners that the Final Declaration dated 07.08.2013 issued under Section 6(1) of the Land Acquisition Act, 1894, is unsustainable in law, as the State Government had neither taken a prior decision to acquire the subject lands nor recorded reasons demonstrating its independent consideration of the report submitted by the SLAO under Section 5A(2) of the Act. The contention, in substance, is that the absence of a separate governmental decision preceding the issuance of the Final Declaration, coupled with the absence of reasons expressly set out in the declaration itself, renders the acquisition proceedings invalid.

35. A plain reading of Section 6 of the Act, particularly Section 6(1), indicates that the statutory requirement is that the appropriate Government must, after considering the report, if any, made under Section 5A(2), form the requisite opinion that the particular land is needed for a public purpose and make a declaration to that effect. The provision does not prescribe that such opinion must necessarily be embodied in a

separate, antecedent order or formal resolution distinct from the declaration itself. Nor does it require that the reasons forming the basis of the Government's satisfaction must be reproduced in the text of the Final Declaration. The statutory emphasis is on the formation of the requisite opinion by the appropriate Government, upon consideration of the relevant material, and the issuance of a declaration in the manner prescribed by law. The absence of a separately documented prior decision or of an elaborate statement of reasons in the declaration cannot, by itself, be equated with the absence of the requisite governmental satisfaction.

36. The aforesaid position finds support in ***HINDUSTAN PETROLEUM CORPN. LTD. v. DARIUS SHAPUR CHENAI [(2005) 7 SCC 627]***, wherein the Supreme Court clarified that a declaration issued under Section 6 of the Act need not, on its face, contain the reasons forming the basis of the Government’s satisfaction. The Court, however, underscored that the consideration of the landowner’s objections and the Government’s decision thereupon must precede the issuance of the declaration. The absence of reasons in the declaration itself is, therefore, distinct from the absence of application of mind

by the State Government. While the former does not, by itself, invalidate the declaration, the latter may render the decision-making process vulnerable to judicial review. The relevant records must consequently disclose that the State Government considered the report submitted under Section 5A(2), together with the objections and the material accompanying it, and independently formed the requisite opinion that the land was needed for a public purpose. The Court observed as under:

> *"15. Section 5-A of the Act is in two parts. Upon receipt of objections, the Collector is required to make such further enquiry as he may think necessary whereupon he must submit a report to the appropriate Government in respect of the land which is the subject-matter of notification under Section 4(1) of the Act. The said report would also contain recommendations on the objections filed by the owner of the land. He is required to forward the records of the proceedings held by him together with the report. On receipt of such a report together with the records of the case, the Government is to render a decision thereupon.* ***It is now well settled in view of a catena of decisions that the declaration made under Section 6 of the Act need not contain any reason. (See Kalumiya Karimmiya v. State of Gujarat [(1977) 1 SCC 715] and Delhi Admn. v. Gurdip Singh Uban [(2000) 7 SCC 296] .)***
>
> *20. In Gurdip Singh Uban [(2000) 7 SCC 296] whereupon Mr Ramamoorthy placed*

strong reliance, this Court observed : (SCC p. 318, para 50)

> *"50. **No reasons or other facts need be mentioned in the Section 6 declaration on its face. If the satisfaction is challenged in the court, the Government can show the record upon which the Government acted and justify the satisfaction expressed in the Section 6 declaration.**"*

It was, thus, for the State to justify its action by production of record or otherwise.

*28. **Although assignment of reasons is the part of principles of natural justice, necessity thereof may be taken away by a statute either expressly or by necessary implication. A declaration contained in a notification issued under Section 6 of the Act need not contain any reason but such a notification must precede the decision of the appropriate Government.** When a decision is required to be taken after giving an opportunity of hearing to a person who may suffer civil or evil consequences by reason thereof, the same would mean an effective hearing."*

(emphasis supplied)

The principle emerging from the decision, read in the context of the judgment as a whole, is that the declaration need not recite the reasons for the Government's satisfaction, but the requisite governmental decision must precede its issuance.

37. In view of the aforesaid legal position, the contention of the respondent-landowners requires to be examined by distinguishing between the absence of a separate formal order and the absence of a prior decision by the State Government. Section 6 of the Act does not prescribe that the Government's decision must necessarily take the form of a separately published order or resolution preceding the Final Declaration. Nevertheless, the statutory requirement that the Government consider the report and form the requisite opinion before issuing the declaration cannot be dispensed with. Thus, the mere fact that the Final Declaration dated 07.08.2013 does not itself disclose the reasons for the decision, or that no separate formal order has been produced, would not, by itself, establish illegality. The decisive consideration is whether the contemporaneous official record demonstrates that the State Government duly considered the relevant material and arrived at the requisite satisfaction before issuing the declaration. If such prior consideration and decision are borne out by the record, the declaration cannot be invalidated merely for want of an express recital of reasons or a separate formal order. Conversely, if the record establishes that the declaration was issued without the requisite prior governmental consideration,

the defect would go to the root of the statutory process and cannot be cured merely by relying upon the existence of a public purpose.

The Interests of the Landowners Must Subserve to The Broader Public Purpose

38. It is well settled by a catena of decisions that the ultimate goal of acquisition of lands, which implies deprivation of individuals' right to their property under Article 300A of the Constitution of India, must be for a broader public purpose. While the definition of 'public purpose' includes construction of a jail, such acquisition can be made only by strictly following the mandate of the said Act (See ***DEV SHARAN & OTHERS v. STATE OF U.P. [(2011) 4 SCC 769])***. Since we are of the view that the procedure as laid down in the 1894 Act has been duly followed by the State Authorities, we now turn towards the primacy of interests of the landowners over the genuine public purpose of expansion of Prison or vice-versa.

39. The principle of eminent domain recognises the sovereign power of the State to acquire private property for a legitimate public purpose with just compensation paid and subject to the constitutional and statutory limitations governing the exercise

of such power. Though the right to property is constitutionally protected under Article 300A of the Constitution of India, it does not confer an absolute immunity against compulsory acquisition authorised by law. The doctrine rests on the premise that, in an appropriate case, the interests of an individual may have to yield to the larger interests of the community. Such power, however, is not absolute or arbitrary. Its exercise must be founded upon a genuine public purpose, supported by the authority of law, and in conformity with the procedure prescribed by the applicable statute. The principle of eminent domain thus seeks to reconcile the protection of individual proprietary rights with the legitimate requirements of society, ensuring that neither public interest is frustrated by an inflexible insistence on private ownership nor private rights are sacrificed to an arbitrary or unlawful exercise of State power in a colourable manner.

40. It is equally well settled that where the acquisition of private property is supported by a genuine public purpose and is undertaken in accordance with the authority of law, the interests of individual landowners cannot ordinarily prevail merely by virtue of their proprietary rights over the larger

interests of the public. The determination of public purpose necessarily involves consideration of the collective needs of society, which may, in appropriate circumstances, assume primacy over individual claims. The State, in exercising its power of compulsory acquisition, is therefore required to maintain a fair balance between the rights of landowners and the demands of public interest. While the right to property cannot be rendered illusory, neither can it be construed as an absolute right to resist every lawful acquisition.

41. The governing principle is that individual rights must be respected and protected within the framework of law but may yield where their exercise conflicts with a legitimate public purpose pursued through a lawful and constitutionally permissible process. Land acquired for development are intended to subserve a wider public interest, and the narrow interest of the individual landowner must yield to the larger public interest. (See ***DILIPSINGH NARAYANRAO BORAWAKE v. STATE OF MAHARASHTRA & OTHERS, W.P.NO.2295/2012 DECIDED BY THE BOMBAY HIGH COURT ON 05.07.2019)***. The Supreme Court has consistently emphasised that, while exercising judicial discretion in matters

concerning land acquisition, constitutional courts must undertake a careful balancing of public interest against private interest, bearing in mind the consequences that may ensue from the interruption or annulment of projects undertaken for the larger benefit of society. Projects serving an important public purpose ought not to be frustrated or brought to a standstill on account of individual claims, particularly where substantial progress has already been achieved and the consequences of setting aside the acquisition would adversely affect the larger public interest. The mere fact that an individual landowner may have an interest in a relatively small portion of the acquired land would not, by itself, justify invalidating the acquisition of the land required for the project as a whole. Where the acquisition is otherwise lawful and the project serves a genuine public purpose, the interests of the individual landowner must be weighed against the wider public consequences of interfering with its implementation. Further, every procedural irregularity or minor discrepancy in the acquisition process does not necessarily warrant the annulment of the entire acquisition. The nature, gravity and legal effect of the alleged irregularity must be examined in the context of the statutory scheme and the prejudice, if any, caused thereby. The

governing principle is that judicial intervention must be informed by the demands of justice and the larger public interest, without compromising mandatory statutory safeguards or permitting unlawful deprivation of private property. (See ***RAMNIKLAL N. BHUTTA AND ANOTHER v. STATE OF MAHARASHTRA AND OTHERS (AIR 1997 SC 1236)*** and ***PRATIBHA NEMA AND OTHERS v. STATE OF M.P. AND OTHERS (AIR 2003 SC 3140)***

42. The right of a landowner to object to the proposed acquisition of his property, though an important statutory safeguard, is neither absolute nor unlimited. It must be understood in the context of the larger constitutional principle that the exercise of the State's power of eminent domain, when founded upon a genuine public purpose and exercised in accordance with law, may prevail over individual proprietary interests. The object of the provision is to afford the landowner a meaningful opportunity to place his objections before the competent authority and to enable the latter to objectively consider whether the proposed acquisition ought to proceed. It is not to confer upon the landowner a right to veto the acquisition or to dictate the choice of land to be acquired by the

State. The objections must, therefore, bear a rational nexus to the proposed acquisition and address legally relevant considerations, such as the absence of a genuine public purpose, the unsuitability of the land for the intended purpose, the availability of a legally relevant alternative, excessive or disproportionate acquisition, colourable exercise of power, mala fides, or the infliction of disproportionate hardship. While such objections must receive fair and objective consideration, the mere assertion of an individual preference or proprietary claim cannot, by itself, override the legitimate requirements of the community. The governing principle is that private interests must be duly considered and protected within the framework of law, but must ultimately subserve the larger public purpose where the acquisition is lawful, necessary and justified. Conversely, the invocation of public interest cannot dispense with the State's obligation to comply with mandatory statutory safeguards *[See* ***STATE OF HARYANA v. VINOD OIL & GENERAL MILLS [(2014) 15 SCC 410], ALOK KOTAHWALA*** *(Supra) and* ***HARYANA URBAN DEVELOPMENT AUTHORITY*** *(Supra)]*.

43. Applying the aforesaid principles to the present case, we are of the considered view that the public purpose underlying the proposed acquisition, namely, the expansion of the Central Prison at Parappana Agrahara, Bengaluru, warrants due weight in determining the competing claims of public and private interest. The establishment and expansion of prison infrastructure constitute an important responsibility of the State, extending beyond the mere provision of accommodation for inmates to encompass custodial security, effective prison administration, segregation of inmates, adequate supporting facilities and the maintenance of a secure environment. The requirement of additional land for these purposes must be assessed in the context of the overall functional requirements of the institution and its long-term operational needs, rather than being confined to the existing structures within the prison premises. In such matters, the State is required to be afforded due latitude in assessing the land and infrastructure necessary to discharge its public obligations, provided that the decision is founded upon a genuine public purpose and is not vitiated by arbitrariness or illegality. The objections of the landowners, though entitled to fair and objective consideration, cannot be elevated into an absolute right to prevent an acquisition that is

otherwise justified by the legitimate requirements of prison administration and public safety. The right to property under Article 300A of the Constitution of India protects the individual against deprivation except by authority of law. It does not confer an unqualified right to resist every acquisition undertaken in accordance with law.

44. The principle of eminent domain, therefore, requires that the individual interests of landowners be balanced against the larger public interest sought to be achieved through the acquisition. Where the acquisition is directed towards a genuine public purpose of considerable importance, and the prescribed statutory procedure has been duly followed, the balance must ordinarily tilt in favour of facilitating the public purpose rather than frustrating it on the basis of individual proprietary claims alone. The objections concerning the suitability of the land, the availability of alternatives or the hardship occasioned by acquisition must undoubtedly be examined. However, unless such objections establish a legally sustainable ground for interference, they cannot displace the State's decision to acquire land required for a legitimate public purpose. The law does not require the State to abandon a necessary public

project merely because its implementation entails the deprivation of private property, provided such deprivation is authorised by law and the safeguards available to the landowners are respected.

45. Before we conclude, we would like to cite the decision of a Coordinate Bench of this Court in ***UNION OF INDIA, MINISTRY OF DEFENCE, ESTATE MANAGEMENT UNIT (DRDO) V. STATE OF KARNATAKA & OTHERS (W.A. NO. 2121 OF 2015 & CONNECTED MATTERS, DECIDED ON 21.09.2026)*** wherein this Court elaborately discussed on the issues of law concerned in this appeal as follows:

> *"In the present case, the material on record discloses that notices were issued to the landowners, objections were filed and an enquiry under Section 5-A was conducted. The objections were thereafter considered by the competent authority and the same were rejected, followed by the issuance of the declaration under Section 6(1) of the Act.* ***The fact that the objections did not find acceptance cannot, by itself, lead to the conclusion that they were not considered. The law does not prescribe any particular form or fixed formula in which an enquiry under Section 5-A is required to be conducted. What is required is due application of mind and a fair consideration of the objections.*** *The appellate record indicates that the acquiring authority had adverted to the*

objections and had taken decision thereon. ***The mere absence of a detailed discussion of each and every submission cannot, in the facts of the present case, be treated as sufficient to invalidate the entire acquisition proceedings.***

45. It is also significant that the petitioners have not demonstrated any specific or substantial prejudice caused to them by the manner in which the enquiry was conducted. ***The objections raised by them essentially relate to the availability of alternative lands, the alleged non-consideration of their objections and the request for further opportunity. These matters were within the domain of the acquiring authority, which had to consider the suitability of the land, the continuity of the project, the security requirements and the necessity of acquiring the particular parcels. The petitioners cannot claim that the existence of an alternative suggestion made by them would, by itself, deprive the State of its power to acquire the lands selected for a public purpose.***

47. ***Further, the extent and location of land required for a public purpose are matters primarily for the acquiring and requisitioning authorities to determine. Unless the decision is shown to be arbitrary, mala fide or wholly unrelated to the stated public purpose, this Court cannot substitute its own assessment for that of the competent authority. The choice of land for a public project is primarily an administrative and technical decision, and judicial review is warranted only where the decision is shown to be arbitrary, mala fide, wholly***

irrelevant or vitiated by a clear breach of the statutory procedure.

49. ***The report of the Special Land Acquisition Officer under Section 5-A is recommendatory in nature. The ultimate decision rests with the appropriate Government. Therefore, the recommendation of the Land Acquisition Officer could not have been treated as binding upon the Government or as creating an absolute bar against proceeding with the acquisition. The Government was legally entitled to take its own decision on the basis of the material placed before it.***

51. ***The power of judicial review in acquisition matters is directed towards examining the legality of the decisionmaking process and not substituting the Court's view for the decision of the Government or the acquiring authority on matters of policy, technical necessity and public administration.*** *In the present case, the learned Single Judge, while noticing the importance of the right under Section 5-A, has, in our considered opinion, given undue weight to procedural aspects without adequately considering the larger public purpose, the previous history of the acquisition, the progress of the Defence project and the absence of demonstrable prejudice to the petitioners.*

54. ***The fact that a portion of the acquired land was vacant or had not been immediately utilised could not, by itself, invalidate the acquisition. The legality of the acquisition is required to be examined with reference to the purpose for which the land was acquired and the circumstances***

prevailing when the acquisition proceedings were initiated. Subsequent non-utilisation, by itself, does not establish that the original public purpose was absent or illusory.

56. ***Even assuming that there was some deficiency in the consideration of the objections or that a more elaborate order ought to have been passed, the appropriate course, in the facts of the case, would have been to direct reconsideration of the objections in accordance with law, rather than to annul the entire acquisition proceedings. Quashing the acquisition in its entirety has the effect of frustrating a project of national importance, notwithstanding the fact that the acquisition was initiated for a public purpose and that substantial steps had already been taken for implementation of the project.*** *The relief granted by the learned Single Judge, therefore, does not appear to be commensurate with the nature of the alleged procedural lapse.*

57. ***We are conscious that the rights of private landowners cannot be disregarded merely because the acquisition is for a public purpose. At the same time, the rights of the landowners have to be harmonised with the larger constitutional obligation of the State to protect the nation and to provide the infrastructure necessary for national defence and security. The principle that a citizen's property rights are entitled to protection does not mean that such rights are absolute or immune from acquisition in accordance with law. Where the acquisition is for a genuine public purpose, the statutory***

> ***procedure is substantially followed and the landowners are afforded an opportunity to place their objections, the proceedings cannot be invalidated on technical or hyper-technical grounds***."
>
> *(emphasis supplied)*

46. In view of the foregoing discussion, it is evident that the Final Declaration dated 07.08.2013 issued under Section 6(1) of the Land Acquisition Act, 1894, cannot be held to be invalid merely because it does not disclose the reasons underlying the Government's satisfaction or because a separate formal order recording the decision to proceed with the acquisition has not been issued. The requirement of law is that the appropriate Government, after considering the report submitted under Section 5A(2) of the Act, must form its opinion that the lands are needed for a public purpose before issuing the declaration. As held by the Supreme Court in ***HINDUSTAN PETROLEUM CORPORATION LTD. V. DARIUS SHAPUR CHENAI [(2005) 7 SCC 627]***, the declaration under Section 6 need not itself contain the reasons for such satisfaction. However, the absence of reasons in the declaration cannot be equated with the absence of the requisite decision by the Government, which must precede the issuance of the declaration.

47. Applying the aforesaid principle, the contention of the respondent-landowners that the Final Declaration dated 07.08.2013 is unsustainable for want of a separate prior governmental decision or for failure to record reasons in the declaration itself cannot be accepted on those grounds alone. The report dated 25.03.2013 submitted by the SLAO, the objections raised by the landowners and the relevant material concerning the proposed acquisition were required to be considered by the State Government before arriving at its decision. The recommendations of the SLAO, being recommendatory in nature, did not bind the Government, which was competent to take an independent view on the necessity of the acquisition. The Government could, therefore, differ from the recommendations made in the report, provided that it had considered the relevant material and formed the requisite opinion on lawful grounds. The absence of a separate formal order or an express recital of reasons in the Final Declaration does not, by itself, establish that the State Government failed to apply its mind to the matter.

48. We are, therefore, of the considered view that the acquisition of the notified lands for the expansion of the

existing Central Prison serves a bona fide public purpose and cannot be set aside merely on account of hyper-technicalities in the procedure, in the absence of any established violation of a mandatory statutory requirement.

49. In view of the aforesaid, the writ appeal is allowed. The impugned order dated 02.05.2025 passed by the learned Single Judge in W.P.No.51697/2013 and connected matters is hereby set aside. The State and the concerned authorities shall take necessary steps to address the existence of RCC buildings, residential layouts, engineering workshops and developed sites on the subject notified lands, as referred to by Appellant No. 2–SLAO in the report dated 25.03.2013, in accordance with law.

50. Pending IAs, if any, do not survive for consideration and, accordingly, they stand disposed of.

Sd/-
(D K SINGH)
JUDGE

Sd/-
(H.SHANTHI BHUSHAN)
JUDGE

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CT:SN