NC: 2026:KHC:22133
WP No. 9678 of 2026

HC-KAR

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE S SUNIL DUTT YADAV

WRIT PETITION NO.9678 OF 2026 (LA-UDA)

BETWEEN:

SRI NIRMAL KUMAR,
S/O S.P.MITTALAL,
AGED ABOUT 57 YEARS,
R/AT NO.15, 15/1, MBT STREET,
NAGAERTHPET, SHANKARHESH KUIPA,
BANGALORE NORTH BANGALORE,
BANGALORE-560 002.

…PETITIONER

(BY SRI V. SRINIVAS, ADVOCATE)

AND:

1. STATE OF KARNATAKA,
   REP. BY ITS SECRETARY
   DEPARTMENT OF HOUSING AND URBAN,
   M.S. BUILDING, BENGALORE-01.

2. THE COMMISSIONER,
   MYSORE URBAN DEVELOPMENT AUTHORITY,
   JHANSI LAKSHMI BAI ROAD,
   MYSORE-570 005.

3. THE SPECIAL LAND ACQUISITION OFFICER,
   MYSORE URBAN DEVELOPMENT AUTHORITY,
   JHANSI LAKSHMI BAI ROAD,
   MYSORE-570 005.

…RESPONDENTS

(BY SRI T.P VIVEKANANDA, ADVOCATE FOR R-2 & R-3;
SRI A.S HARISH, AGA FOR R-1)

Digitally signed by DEVIKA M
Location: HIGH COURT OF KARNATAKA

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED PRELIMINARY NOTIFICATION DATED 06/10/1997 BEARING NO. LAQ(1) CR 81/97-98 ISSUED BY THE 2ND RESPONDENT UNDER SECTION 17(1) OF THE KARNATAKA URBAN DEVELOPMENT AUTHORITIES ACT, 1987 PUBLISHED IN THE KARNATAKA OFFICIAL GAZETTE VIDE ANNEXURE-A IN SO FAR AS LAND BEARING SY NO 198/2 MEASURING 2 ACRE 12 GUNTAS SITUATE AT KERAGALLI VILLAGE, JAYAPURA HOBLI, MYSORE TALUK, MYSORE DISTRICT WHICH IS AT SL NO 29 IN ANNEXURE A.

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

CORAM: HON'BLE MR. JUSTICE S SUNIL DUTT YADAV

ORAL ORDER

Sri A.S. Harish, learned Additional Government Advocate accepts notice for respondent No.1. Learned counsel Sri T.P. Vivekananda accepts notice for respondent Nos.2 and 3.

2. The petitioner has assailed the validity of the acquisition proceedings initiated through a preliminary notification dated 06.10.1997 insofar as the land of the petitioner in Sy.No.198/2 measuring 2 acres 19 guntas situated at Keragalli Village, Jayapura Hobli, Mysore Taluk is concerned.

3. The petitioner has sought for setting aside of such preliminary notification in light of the assertion that no steps

have been taken to effectuate acquisition proceedings except issuance of preliminary notification dated 06.10.1997. It is further submitted that as regards the same notification, this Court has passed orders in W.P.No.10118/2023 setting aside the preliminary notification insofar as the petitioner in such case is concerned solely on the ground that no steps have been taken for completion of acquisition process despite lapse of sufficient time.

4. Learned counsel appearing for the respondent MUDA submits that the order of this Court in W.P.No.10118/2023 are matters of record and assertion of the petitioner cannot be controverted and the Court may pass appropriate orders.

5. Admittedly, though preliminary notification is passed on 06.10.1997, no further steps have been taken by the respondents till date. The said notification was passed in connection with formation of "Ravindranath Tagore Layout" and till date no steps have been taken to complete the acquisition process.

6. Perused the observations made in W.P.No.10118/2023 at paragraph Nos.2 and 3.

7. In light of the observations made in W.P.No.10118/2023 and noticing that despite preliminary notification of 06.10.1997, no steps have been taken till date, it would be construed that the respondents have abandoned the acquisition proceedings.

8. Accordingly, the petition is allowed and preliminary notification bearing No.LAQ(1) CR 81/97-98 dated 06.10.1997 is quashed insofar as the petitioner's land is concerned.

Sd/-
(S SUNIL DUTT YADAV)
JUDGE

MD
List No.: 1 Sl No.: 5