HC-KAR

NC: 2026:KHC:59849
WP No. 24263 of 2025

CNR: KAHC010536122025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE R. NATARAJ

WRIT PETITION NO. 24263 OF 2025 (LA-BDA)

BETWEEN:

SMT. RADHA
W/O. LATE THIMMANNA
AGED ABOUT 60 YEARS
RESIDING AT NO.5, KENCHANAPURA
KENGERI HOBLI, SULIKERI
BANGALORE-560058

...PETITIONER

(BY SRI. M.S. CHANDRASHEKAR BABU, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
   REPRESENTED BY ITS SECRETARY
   VIDHANA SOUDHA
   BANGALORE-560001

2. THE COMMISSIONER
   BANGALORE DEVELOPMENT AUTHORITY
   T. CHOWDAIAH ROAD
   BENGALORE-560020

3. THE LAND ACQUISITION OFFICER
   BANGALORE DEVELOPMENT AUTHORITY
   T. CHOWDAIAH ROAD,
   BENGALORE-560020

...RESPONDENTS

(BY SRI. B.J.ESHWARAPPA, ADDITIONAL GOVERNMENT ADVOCATE FOR RESPONDENT NO.1;

SRI. ASHOK HARANAHALLI, SENIOR ADVOCATE FOR SRI. M. AJAY KUMAR, ADVOCATE FOR RESPONDENT NOS.2 AND 3)

Digitally signed by HEMALATHA J
Location: HIGH COURT OF KARNATAKA

CNR: KAHC010536122025

THIS WP IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECT THE RESPONDENTS NO.2 AND 3 TO CONSIDER REPRESENTATIONS AS PER ANNEXURES-E, F, G DATED 07.09.2012, 27.11.2019 AND 16.12.2020 AND ALSO APPLICATION FOR REGULARIZATION OF CONSTRUCTED HOUSE IN QUESTION AS PER ANNEXURE-K SERIES DATED 02.05.2025 AND ETC.

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

CORAM: HON'BLE MR. JUSTICE R. NATARAJ

ORAL ORDER

The petitioner has sought for a writ in the nature of mandamus to direct the respondent Nos.2 and 3 to consider her representations dated 07.09.2012, 27.11.2019 and 16.12.2020 and also regularise the house constructed on the site No.5, khatha No.5/5/1-5 situate at Kenchanapura Grama, Kengeri Hobli, Bengaluru South Taluk. She has also sought for writ in the nature of mandamus to direct the respondent Nos.2 and 3 to regularise the house constructed on the aforesaid property by receiving betterment charges etc.

2. (i) The petitioner contends that she is the owner of a site bearing No.5, khatha No.5/5/1-5 situate at

Kenchanapura Village, Kengeri Hobli, Bengaluru South Taluk, measuring 40x60 feet, she having purchased it in terms of a sale deed dated 24.05.2004. She contends that she has constructed a house on the aforesaid property and that the grama panchayat issued a 'B' khata during the year 2004-2005. She claims that she is in possession of the aforesaid property from the date of its purchase. Later she came to know that the respondent No.1 issued a notification to acquire lands for formation of Peripheral Ring Road-Part-II (PRR-II) which passes through Kenchanapura village and over the site owned by her.

(ii) She contends that no notice was ever issued to her but the owners of the adjacent survey numbers and sites had filed objections to the proposed project. She also filed objections on 07.09.2012, requesting the respondent No.3 not to acquire the property over which she had constructed a house. She again submitted a representation dated 27.12.2019 requesting the respondent No.3 not to proceed with the proposed project, contending that her site was not acquired for the peripheral ring road. She contends that the house constructed on the property in question is provided with all

amenities and she therefore sought deletion of the aforesaid site from the acquisition proceedings in terms of her representations dated 07.09.2012 and 27.11.2019. She again followed it up by filing a representation dated 16.12.2020 which was of no avail.

(iii) She contends that she has paid the property tax to the Grama Panchayath and that E-khatha was also issued by the panchayath. She claims that pursuant to the judgment passed by this Court in W.A.No.1783/2014 and other connected appeals, decided on 22.02.2024, she filed an application on 02.05.2025 requesting the respondent No.2 to allot an alternate site to regularize the construction put up by her, upon payment of charges, if any. She contends that the executive engineer of the respondent No.2 came near her house and directed her to vacate the same, failing which, the construction would be demolished.

(iv) The petitioner is therefore before this Court seeking for a direction to the respondents to consider her representations and regularise the construction put up by her in the land bearing Sy.No.5/1 of Kenchanapura Village.

3. The learned counsel for the petitioner contended that the petitioner has purchased the property in question even before the notification was issued and that she has constructed a building thereon and therefore the respondents were bound to notify the petitioner before taking action to take over possession of the site in question. He contends that since the petitioner is in possession of the site ever since its purchase, she is entitled to compel the respondents to regularize the construction put up.

4. (i) The writ petition is opposed by the respondent Nos.2 and 3 who have filed a statement of objections contending that the respondent No.2 issued a notification under Sections 17(1) and 3 of the Bengaluru Development Authority Act, 1976 (henceforth referred to as 'Act, 1976' for short) proposing to acquire lands for formation of Major Arterial Road (PRR-II) to ease connectivity in Bengaluru. The preliminary notification was issued on 15.11.2006, followed by a final notification dated 27.07.2011. They contend that land measuring 1 acre 10 guntas in Sy.No.5

including Sy.Nos.5/1, 5/2, 5/3 and 5/4 were notified for acquisition in the names of the notified kathedars.

(ii) It is contended that the respondent No.1 decided to provide developed sites in lieu of monetary compensation in the ratio of 50:50 and wherever the land acquired is less than 2 guntas, the owner/landloser would be compensated monetarily. Accordingly, respondent No.3 passed an award determining developed land measuring 14,974 square feet as compensation for the land measuring 1 acre 10 guntas notified for acquisition. It is contended that after an award was passed, possession of the land in Sy.Nos.5/1, 5/2, 5/3 and 5/4 were taken and the same were handed over to the engineering section for formation of the Major Arterial Road. An award notice dated 18.12.2023 was issued to the persons whose names were mentioned in the revenue records.

(iii) It is contended that the petitioner claims to have purchased a revenue site measuring 40x60 feet, but the sale deed under which she purchased the property does not disclose the survey number. It is claimed that as per the sketch prepared, the property of the petitioner comes within Sy.No.5/1

of Kenchanapura Village and is situate in the middle of the proposed road. It is claimed that the acquisition is complete in all respects and since the acquisition is for formation of a road, the petitioner cannot seek for regularisation of her house constructed on the property in question. It is contended that the petitioner would be entitled to compensation as determined by the State Government which is proportionate to the extent of land owned by her.

5. The learned Senior Counsel for the respondent Nos.2 and 3 reiterated the aforesaid contentions and submits that the house claimed by the petitioner is situate within the road margin and therefore, the question of regularising her occupation would not arise. He contends that the property is very much needed for formation of the road and therefore no indulgence can be shown to the petitioner in this petition. He however contends that the respondent No.3-Land Acquisition Officer has already determined the developed land that is to be allotted in lieu of monetary compensation and that if the petitioner so desires, she may approach the respondent No. 3 who shall consider her case in accordance with law and if she is

entitled to allotment of an alternate piece of land, steps would be taken in that regard.

6. I have considered the submissions of the learned counsel for the petitioner and the learned Senior Counsel for the respondents Nos.2 and 3.

7. The petitioner claims to have purchased a portion of land in Sy.No.5/1 of Kenchanapura village purportedly identified as Site No.5 in terms of a sale deed dated 24.05.2004. As admitted by the respondent Nos.2 and 3, the house constructed by the petitioner is situate within Sy.No.5/1 which is sought to be acquired for the purpose of formation of the major arterial road. Thus, it can safely be held that the property claimed by the petitioner lies within the area notified in terms of the preliminary notification dated 15.11.2006. Therefore, there can be no doubt that the petitioner is entitled to receive the compensation, either in the form of money or developed land as per the award passed by the respondent No.3.

8. Since the house constructed by the petitioner lies within the road margin, no direction can be issued to the respondent Nos.2 and 3 to consider her case for regularisation. However, having regard to the fact that the petitioner had constructed the house prior to the acquisition, she is entitled to some protection at the hands of the respondent Nos.2 and 3 as the notified khatedar may, taking advantage of the award, attempt to receive developed land as compensation including in respect of the property owned by the petitioner.

9. In that view of the matter, this writ petition is ***disposed off.*** In the light of the award dated 09.11.2023 holding that the owners of land in Sy.Nos.5/1, 5/2, 5/3 and 5/4 of Kenchanapura Village are entitled to developed land measuring 14,974 sq.ft. instead of monetary compensation, the respondent Nos.2 and 3 are directed to make a physical inspection of the land bearing Sy.No.5/1, 5/2, 5/3 and 5/4 of Kenchanapura Village and identify the area acquired and also verify whether any revenue sites are formed in the said acquired portion and if yes, the respondent No.3 shall after deducting the area used up for formation of the road in the

acquired portion, determine the developed land to be allotted as compensation to the petitioner and other owners of revenue sites formed in the acquired portion. In order to facilitate this, the respondent No.3 shall hold a meeting of not only the petitioner but also all other site owners who have purchased sites in the acquired portions in Sy.No.5/1, 5/2, 5/3 and 5/4 of Kenchanapura Village. After being satisfied about purchase of the sites, the respondent No.3 shall allot developed land proportionate to the extent of property purchased by the petitioner and other revenue site owners. After the above exercise, the respondent Nos.2 and 3 are at liberty to take over physical possession of the acquired portion. As far as the assessment of the value of the building in site No.5 in Sy.No.5/1 of Kenchanapura village belonging to the petitioner, it shall be completed within four weeks from the date of receipt of a copy of this order, after which, the petitioner shall vacate and handover the possession of the building to the respondent Nos.2 and 3. The above process shall be complied within a period of 3 months from the date of receipt of a copy of this order.

10. Till the aforesaid exercise is completed the respondent Nos.2 and 3 shall not damage or demolish the building constructed on the site bearing No.5 formed in Sy.No.5/1 of Kenchanapura Village.

Sd/-
(R. NATARAJ)
JUDGE

HJ
List No.: 1 Sl No.: 18