HC-KAR

NC: 2026:KHC:60307
WP No. 27209 of 2026

CNR: KAHC010603662026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE R. NATARAJ

WRIT PETITION NO. 27209 OF 2026 (LA-KIADB)

BETWEEN:

SRI. K.M. HOMBEGOWDA
S/O LATE MULEGOWDA,
AGED ABOUT 71 YEARS,
RESIDING AT NO.11,
10TH CROSS, 4TH MAIN,
HALANAHALLI BADAVANE,
MYSORE CITY,
KARNATAKA-570028.

...PETITIONER

(BY SRI. A.P. RANGANATHA, ADVOCATE)

AND:

1. STATE OF KARNATAKA
   REPRESENTED BY ITS ADDITIONAL CHIEF SECRETARY,
   DEPARTMENT OF COMMERCE AND INDUSTRIES,
   VIKASA SOUDHA,
   DR. B.R. AMBEDKAR VEEDHI,
   BENGALURU - 560 001.

2. KARNATAKA INDUSTRIAL AREAS DEVELOPMENT BOARD
   REPRESENTED BY ITS CHIEF EXECUTIVE OFFICER AND
   EXECUTIVE MEMBER,
   NO.14/3, MAHARSHI ARAVIND BHAVAN,
   NRUPATHUNGA ROAD,
   BENGALURU - 560 001.

3. THE SPECIAL DEPUTY COMMISSIONER,
   KARNATAKA INDUSTRIAL AREAS
   DEVELOPMENT BOARD (BMICP),
   NO.14/3, 1ST FLOOR,

Digitally signed by HEMALATHA J
Location: HIGH COURT OF KARNATAKA

MAHARSHI ARAVIND BHAVAN,
NRUPATHUNGA ROAD,
BENGALURU - 560 001.

4. THE SPECIAL LAND ACQUISITION OFFICER
KARNATAKA INDUSTRIAL AREAS
DEVELOPMENT BOARD (BMICP),
NO.14/3, 1ST FLOOR,
MAHARSHI ARAVIND BHAVAN,
NRUPATHUNGA ROAD,
BENGALURU - 560 001.

5. NANDI INFRASTRUCTURE CORRIDOR
ENTERPRISE LIMITED
COMPANY INCORPORATED UNDER
COMPANIES ACT, 1956
REPRESENTED BY ITS MANAGING DIRECTOR,
NO.1, MIDFORD HOUSE,
MIDFORD GARDENS,
OFF M.G. ROAD,
BENGALURU - 560 001.

…RESPONDENTS

(BY SRI. H.L.PRADEEP KUMAR, ADVOCATE FOR RESPONDENT NO.1;

SRI. P.V.CHANDRASHEKAR, ADVOCATE FOR RESPONDENT NOS.2 TO 4;

SRI. NITIN PRASAD, ADVOCATE FOR RESPONDENT NO.5)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE PRELIMINARY NOTIFICATION BEARING NO. CI 196 SPQ 98 DATED 03.07.1999, INSOFAR AS IT RELATES TO LAND FORMERLY BEARING OLD SURVEY NO.83/1-P2, 84/1PAI-P1, 84/1PAI-P2, 84/2B PAIKI-P1, 84/2B PAIKI-P2, 93/PAI-P2-P2 AND 93/PAI-P28 AND PRESENTLY BEARING RE-SURVEY SY.NO.83, SY.NO.84/5, SY.NO.84/6, SY.NO.84/7 AND SY.NO.84/8 AND SY.NO.422 MEASURING 1 ACRE 31 GUNTAS, 33 GUNTAS, 1 ACRE 13 GUNTAS, 11 GUNTAS, 11 GUNTAS, 28 GUNTAS AND 26 GUNTAS RESPECTIVELY, SITUATED AT HEBBADI VILLAGE, KASABA HOBLI, SRIRANGAPATNA TALUK, MANDYA DISTRICT (ANNEXURE -A) AND ETC.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CNR: KAHC010603662026

CORAM: HON'BLE MR. JUSTICE R. NATARAJ

ORAL ORDER

The petitioner has called in question the preliminary notification bearing No.CI:196:SPQ:98 dated 03.07.1999 issued by the respondent No.1 under Section 28(1) of the Karnataka Industrial Areas Development Act, 1966 (henceforth referred to as 'the KIAD Act') and to declare that the acquisition proceedings initiated by the respondents in respect of the lands formerly bearing old Sy.Nos.83/1-P2, 84/1Pai-P1, 84/1Pai-P2, 84/2B Paiki-P1, 84/2B Paiki-P2, 93/Pai-P2-P2 and 93/Pai-P28 and presently bearing re-survey No.83, Sy.No.84/5, Sy.No.84/6, Sy.No.84/7, Sy.No.84/8 and Sy.No.422 measuring 1 acre 31 guntas, 33 guntas, 1 acre 13 guntas, 11 guntas, 11 guntas, 28 guntas and 26 guntas respectively, situated at Hebbadi Village, Kasaba Hobli, Srirangapatna Taluk, Mandya District (land in question) have lapsed.

2. The petitioner claims that he is the absolute owner and is in peaceful possession and enjoyment of the land in question. He claims that the respondent No.1 had issued a notification under Section 28(1) of the KIAD Act on 03.07.1999,

proposing to acquire several lands including the land in question for Bengaluru-Mysuru Infrastructure Corridor Project. The petitioner contends that he purchased the land in question from the notified khatedars. He contends that even after 27 years, the respondents did not issue any final notification under Section 28(4) of the KIAD Act. He contends that the respondents have thus abandoned the acquisition. He contends that similarly placed landlosers had approached this Court in various Writ Petitions and that this Court in W.P.Nos.29365/2024, 29385/2024 and 28886/2024 quashed the preliminary notification. He therefore challenged the preliminary notification and sought for a declaration that the acquisition has lapsed.

3. Learned counsel for the petitioner reiterated the aforesaid contentions and submitted that after issuance of a preliminary notification, the respondent No.1 has not taken any steps to issue a final notification and therefore, the petitioner cannot be kept waiting endlessly. He therefore submits that the acquisition has lapsed and prays for a declaration to that effect.

4. The learned counsel for the respondent No.1 and the learned counsel for respondent Nos.2 to 4 do not dispute the fact that after issuance of a preliminary notification no steps are taken to issue a final notification. They also do not dispute that similar questions of fact and law arose for consideration in W.P.Nos.29365/2024, 29385/2024 and 28886/2024 and that this Court had quashed the preliminary notification and allowed the landlosers to utilize their land.

5. The learned counsel for respondent No.5 on the other hand contended that the delay in issuing the final notification is only attributable to the respondent Nos.1 and 2 and therefore liberty be reserved to respondent No.5 to take necessary action against the respondent Nos.1 and 2.

6. I have considered the submissions of the learned counsel for the petitioner as well as learned counsel for the respondent No.1, learned counsel for respondent Nos.2 to 4 and learned counsel for respondent No.5.

7. It is not in dispute that after a preliminary notification dated 03.07.1999 issued by the respondent No.1

under Section 28(1) of the KIAD Act, no steps are taken to issue a final notification. As rightly contended by the learned counsel for the petitioner, the petitioner cannot be kept waiting endlessly and he cannot be deprived of the use of his land for whatever purpose that he intends to. Therefore, the proposal to acquire the land of the petitioner has remained a proposal and the acquisition has not been concluded. Consequently, the petitioner is entitled to utilize his land for whatever purpose that he desires.

8. In view of the above, the following order is passed:

ORDER

i. The petition is ***allowed***;

ii. The impugned preliminary notification bearing No.CI:196:SPQ:98 dated 03.07.1999 issued by the respondent No.1, in respect of the lands formerly bearing old Sy.Nos.83/1-P2, 84/1Pai-P1, 84/1Pai-P2, 84/2B Paiki-P1, 84/2B Paiki-P2, 93/Pai-P2-P2 and 93/Pai-P28 and presently bearing re-survey No.83, Sy.No.84/5, Sy.No.84/6,

Sy.No.84/7, Sy.No.84/8 and Sy.No.422 measuring 1 acre 31 guntas, 33 guntas, 1 acre 13 guntas, 11 guntas, 11 guntas, 28 guntas and 26 guntas respectively, situated at Hebbadi Village, Kasaba Hobli, Srirangapatna Taluk, Mandya District, is quashed;

iii. It is also declared that the proposal to acquire the aforesaid land has lapsed. Consequently, any entry of the name of the respondent No.1 or the respondent No.2 in the revenue records of the aforesaid land shall stand deleted and the name of the petitioner shall stand restored forthwith;

iv. The respondent No.5 is at liberty to proceed against the respondent No.1 and 2 for not taking out necessary steps to conclude the acquisition.

Sd/-
(R. NATARAJ)
JUDGE

PMR
List No.: 1 Sl No.: 87