HC-KAR

NC: 2026:KHC:60301
WP No. 30135 of 2026

CNR: KAHC010657082026

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. 30135 OF 2026 (LA-UDA)

BETWEEN:

HEMANTH KUMAR V.
S/O. VENKATESHAGOWDA URF VENKATESHA,
AGED ABOUT 44 YEARS,
R/AT. NO.397, JAYAPURA HOBLI,
M.K.HALLI POST, DASANA KOPPAL,
MYSORE TALUK, MYSORE - 570026.

...PETITIONER

(BY SMT. KUSUMA M., ADVOCATE)

AND:

1. STATE OF KARNATAKA
   REPRESENTED BY ITS SECRETARY,
   DEPARTMENT OF HOUSE AND URBAN,
   M.S. BUILDING,
   BANGALORE - 560001.

2. MYSORE URBAN DEVELOPMENT AUTHORITY,
   JHANSI LAKSHMI BAI ROAD,
   MYSORE - 570005.
   BY ITS COMMISSIONER,

3. SPECIAL LAND ACQUISITION OFFICER,
   MYSORE URBAN DEVELOPMENT AUTHORITY,
   JHANSI LAKSHMI BAI ROAD,
   MYSORE - 570005.

...RESPONDENTS

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

SRI. G.B. SHARATH GOWDA, ADVOCATE FOR RESPONDENT NOS.2 AND 3)

Digitally signed by HEMALATHA J
Location: HIGH COURT OF KARNATAKA

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH PRELIMINARY NOTIFICATION DATED 06.10.1997, BEARING NO.LAQ(1)CR/82/97-98 ISSUED BY THE 3RD RESPONDENT AUTHORITY AT ANNEXURE - A TO THE WRIT PETITION IN SO FAR AS SCHEDULE PROPERTY BELONGING TO THE PETITIONER IS CONCERNED OR IN THE ALTERNATIVE DECLARE THAT THE LAND ACQUISITION PROCEEDINGS INITIATED BY ISSUANCE OF PRELIMINARY NOTIFICATION DATED 06.10.1997, BEARING NO.LAQ(1)CR/82/97-98 BY THE 3RD RESPONDENT AUTHORITY AT ANNEXURE-A TO THE WRIT PETITION HAS LAPSED BY VIRTUE OF COMING IN TO FORCE OF THE RIGHT TO FAIR COMPENSATION AND TRANSPARENCY IN LAND ACQUISITION, REHABILITATION AND RESETTLEMENT ACT, 2013 IN SO FAR AS SCHEDULE LAND BELONGING TO THE PETITIONER IS CONCERNED.

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 called in question the preliminary notification bearing No.LAQ(1)CR/82/97-98 dated 06.10.1997 in respect of the lands bearing Sy.No.140/12 measuring 28.04 guntas and Sy.No.140/13 measuring 24.12 guntas, situate at Maratikyathanahalli Village, Jayapura Hobli, Mysore Taluk and District. Alternatively, he has sought for a declaration that the acquisition proceedings initiated by issuance of preliminary notification bearing No.LAQ(1)CR/82/97-98 dated 06.10.1997 has lapsed by virtue of enforcement of the Right to Fair Compensation and Transparency in Land Acquisition,

Rehabilitation and Resettlement Act, 2013 (henceforth referred to as 'Act, 2013' for short).

2. The petitioner contends that he is the owner of the aforesaid lands which were proposed for acquisition for the purpose of formation of Rabindranath Tagore 2nd Phase Layout by the respondent No.3 in terms of a preliminary notification dated 06.10.1997 issued under Karnataka Urban Development Authority Act, 1987 (henceforth referred to as 'KUDA Act' for short). He contends that after issuance of the preliminary notification, no steps were taken by the respondent No.1 to issue a final notification and therefore, the impugned preliminary notification has cast a cloud on the title of the petitioner in respect of the aforesaid lands and therefore, prays that the notification be set at nought by issuing appropriate direction to the respondents.

3. Learned counsel for the petitioner reiterated the above submissions and submitted that even after 29 years respondent No.2 has not taken steps to issue a final notification and the proposal to acquire the aforesaid lands are not concluded and thus the acquisition has lapsed. She submits

that similarly placed land losers had approached a Co-ordinate Bench of this Court in W.P. No.10121/2023 and in terms of the order dated 30.05.2023, this Court quashed the preliminary notification and allowed the petitioners therein to utilise their land. Therefore, she submits that this petition is squarely covered by the aforesaid judgment.

4. The learned counsel for the respondent Nos.2 and 3 does not dispute the fact that after the preliminary notification dated 06.10.1997, no steps were taken to issue a final notification. He also does not dispute that this petition is squarely covered by the judgment of the Co-ordinate Bench of this Court in W.P. No.10121/2023.

5. It is not in dispute that after issuance of a preliminary notification, the respondent Nos.2 and 3 have not taken any steps to issue a final notification. As rightly contended by the learned counsel for the petitioner, the impugned preliminary notification has cast a cloud on the title of petitioner on the aforesaid lands and the petitioner cannot be kept waiting endlessly.

6. In that view of the matter, the writ petition is ***allowed.*** The impugned preliminary notification bearing No.LAQ(1)CR.82/97-98 dated 06.10.1997 issued under the KUDA Act, in respect of the lands bearing Sy.No.140/12 measuring 28.04 guntas and Sy.No.140/13 measuring 24.12 guntas, situate at Maratikyathanahalli Village, Jayapura Hobli, Mysore Taluk and District, is quashed. It is also declared that the proposal to acquire the aforesaid land has lapsed. If the name of the respondent No.1 or respondent No.2 is entered in the revenue records based on the preliminary notification bearing No.LAQ(1)CR.82/97-98 dated 06.10.1997 in the aforesaid lands, the same shall stand deleted and the name of the petitioner shall stand restored forthwith.

Sd/-
(R. NATARAJ)
JUDGE

HJ
List No.: 1 Sl No.: 29