

**WA NO. 1026 OF 2006** C/W WA NO. 1093 OF 2006, WA NO. 1116 OF 2006, WA NO. 1164 OF 2006, WA NO. 1167 OF 2006, WA NO. 1312 OF 2006, WA NO. 1430 OF 2006, WA NO. 1844 OF 2006 & WA NO. 960 OF 2007

**R**

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 3<sup>RD</sup> DAY OF APRIL, 2025**

**PRESENT**

**THE HON'BLE MR JUSTICE K.SOMASHEKAR**

**AND**

**THE HON'BLE MR JUSTICE VENKATESH NAIK T**

**WRIT APPEAL NO.1026 OF 2006 (LA-BDA)**

**C/W**

**WRIT APPEAL NO.1093 OF 2006 (LA-BDA)**

**WRIT APPEAL NO.1116 OF 2006 (LA-BDA)**

**WRIT APPEAL NO.1164 OF 2006 (LA-BDA)**

**WRIT APPEAL NO.1167 OF 2006 (LA-BDA)**

**WRIT APPEAL NO.1312 OF 2006 (LA-BDA)**

**WRIT APPEAL NO.1430 OF 2006 (LA)**

**WRIT APPEAL NO.1844 OF 2006 (LA-BDA)**

**AND**

**WRIT APPEAL NO.960 OF 2007 (LA-BDA)**

**IN WA NO.1026 OF 2006**

**BETWEEN:**

1. SMT. GANGAMMA,  
W/O T. VAJRAPPA,  
SINCE DEAD BY LR's
  
- 1(a). SMT. GANGARATHNAMMA,  
W/O LATE RAJANNA,

**WA NO. 1026 OF 2006** C/W WA NO. 1093 OF 2006, WA NO. 1116 OF 2006, WA NO. 1164 OF 2006, WA NO. 1167 OF 2006, WA NO. 1312 OF 2006, WA NO. 1430 OF 2006, WA NO. 1844 OF 2006 & WA NO. 960 OF 2007

D/O GANGAMMA  
(1<sup>ST</sup> APPELLANT, NOW DECEASED)  
AGED ABOUT 63 YEARS,  
R/AT HOSAPALYA VILLAGE,  
BISKUR POST, KUDUR HOBLI,  
MAGADI TALUK,  
RAMANAGARA DISTRICT - 562 127.

1(b). SMT. SUNANDA,  
W/O SRI. B.R.SIDDARAMU,  
D/O GANGAMMA (NOW DECEASED)  
AGED ABOUT 57 YEARS,  
R/AT. GOVINDAPPA LAYOUT,  
NEAR VINAYAKA TEMPLE ROAD,  
SUBHASH NAGAR,  
NELAMANGALA TOWN,  
BENGALURU RURAL DISTRICT - 562 123.

2. SRI ASHWATHRAMA,  
AGED ABOUT 35 YEARS,  
S/O. GANGAMMA,  
R/AT. THALAGATTAPURA VILLAGE AND POST,  
UTTARAHALLI HOBLI,  
BENGALURU SOUTH TALUK.

...APPELLANTS

(BY SRI. UDAY HOLLA, SENIOR COUNSEL FOR SRI. PRAKASH  
T. HEBBAR - ADVOCATE)

**AND:**

1. STATE OF KARNATAKA  
REPRESENTED BY  
SECRETARY TO THE GOVERNMENT,  
DEPARTMENT OF HOUSING AND  
URBAN DEVELOPMENT, M.S. BUILDING,  
DR. AMBEDKAR ROAD,  
BENGALURU-560 001.

**WA NO. 1026 OF 2006** C/W WA NO. 1093 OF 2006, WA NO. 1116 OF 2006, WA NO. 1164 OF 2006, WA NO. 1167 OF 2006, WA NO. 1312 OF 2006, WA NO. 1430 OF 2006, WA NO. 1844 OF 2006 & WA NO. 960 OF 2007

2. THE BANGALORE DEVELOPMENT AUTHORITY,  
SANKEY ROAD,  
KUMARA PARK WEST,  
BANGALORE – 560 020,  
REPRESENTED BY ITS COMMISSIONER,
3. THE SPECIAL LAND ACQUISITION OFFICER,  
BANGALORE DEVELOPMENT AUTHORITY,  
SANKEY ROAD,  
KUMARA PARK WEST,  
BENGALURU – 560 020.

...RESPONDENTS

(BY *SRI. PRADEEP C.S*, AAG A/W\* *SRI. HARISHA A.S.*, AGA FOR R-1, *SRI. G.S. KANNUR*, SENIOR COUNSEL A/W *SRI. MURUGESH V.CHARATI*, ADV. APPEARING FOR R-2 & R-3)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE HIGH COURT ACT, PRAYING TO SET ASIDE THE ORDER OF THE SINGLE JUDGE PASSED IN W.P.NO.2066/2004 DATED 06.06.2006 IN FAR AS IT RELATES TO UPHOLDING THE ACQUISITION PROCEEDINGS IN RESPECT OF THE PETITION SCHEDULE PROPERTY AND ALLOW THE WRIT PETITION BY SETTING ASIDE THE PRELIMINARY AND FINAL NOTIFICATION, IN THE INTEREST OF JUSTICE AND EQUITY.

**IN WA NO.1093 OF 2006**

**BETWEEN**

1. SRI T N RAMAIAH  
S/O LATE NANJAPPA,  
AGED ABOUT 78 YEARS
2. SRI MUNITHIMMAIAH  
S/O MUDDABYRAPPA  
AGED ABOUT 80 YEARS

**WA NO. 1026 OF 2006** C/W WA NO. 1093 OF 2006, WA NO. 1116 OF 2006, WA NO. 1164 OF 2006, WA NO. 1167 OF 2006, WA NO. 1312 OF 2006, WA NO. 1430 OF 2006, WA NO. 1844 OF 2006 & WA NO. 960 OF 2007

- 3(a). GANGAVAJRAPPA  
S/O MUNIBYRAPPA  
AGED ABOUT 65 YEARS
- 3(b). MUNISWAMAPPA  
S/O MUNIBYRAPPA  
AGED ABOUT 55 YEARS
4. SRI V MUNIKRISHNA  
S/O VENKATAGIRIYAPPA  
AGED ABOUT 50 YEARS
5. SRI VAZEER SAB  
S/O MOHIDDIN SAB  
AGED ABOUT 55 YEARS

ALL ARE R/AT  
THALAGHATTAPURA,  
KANAKAPURA ROAD,  
BANGALORE – 560 062.

...APPELLANTS

(BY SRI. C. SHANKAR REDDY, ADVOCATE)

**AND**

1. STATE OF KARNATAKA  
REP. BY ITS PRINCIPAL SECRETARY,  
URBAN DEVELOPMENT DEPARTMENT,  
M.S.BUILDING, DR. AMBEDKAR VEEDHI,  
BANGALORE – 560 001.
2. BANGALORE DEVELOPMENT AUTHORITY,  
REP. BY ITS COMMISSIONER,  
KUMARA PARK WEST,  
BANGALORE – 560 020.
3. THE SPECIAL LAND ACQUISITION OFFICER,  
BANGALORE DEVELOPMENT AUTHORITY,  
KUMARA PARK WEST, BANGALORE – 560 020.

**WA NO. 1026 OF 2006** C/W WA NO. 1093 OF 2006, WA NO. 1116 OF 2006, WA NO. 1164 OF 2006, WA NO. 1167 OF 2006, WA NO. 1312 OF 2006, WA NO. 1430 OF 2006, WA NO. 1844 OF 2006 & WA NO. 960 OF 2007

4. SRI RAMAKRISHNA H S  
S/O LATE SRI H SUBBARAYA AIYAR,  
AGED ABOUT 70 YEARS,  
R/AT NO.407, VASTU GREEN APARTMENT,  
SUNKALPALYA, KENGERI-UTTARAHALLI MAIN ROAD,  
KENGERI HOBLI, BENGALURU – 560 060.
5. SRI GIRISH,  
S/O SRI MAYI GOWDA,  
AGED ABOUT 51 YEARS,  
R/AT NO.115, 1<sup>ST</sup> MAIN, 3<sup>RD</sup> CROSS,  
NRUPATHUNGA NAGAR, J.P.NAGAR  
7<sup>TH</sup> PHASE, BENGALURU – 560 078.
6. SMT B VASANTHI,  
W/O SRI S BABU,  
AGED ABOUT 50 YEARS,  
R/AT NO.44, 1<sup>ST</sup> 'A' CROSS,  
M.R.GARDEN, GEDDALAHALLI,  
SANJAYNAGAR, BENGALURU – 560 094.
7. SRI M H SUNDARESHAN,  
S/O LATE SRI HANUMAPPA REDDY,  
AGED ABOUT 66 YEARS,  
R/AT NO.141, MATHUNGA,  
CMR LAYOUT, LINGARAJAPURAM,  
BENGALURU – 560 084.
8. SMT T PREETHA,  
W/O SRI E N MURALIDHARAN,  
AGED ABOUT 51 YEARS,  
R/AT NO.478, 5<sup>TH</sup> CROSS,  
M.S.R.NAGAR, M.S.R.T POST,  
BENGALURU – 560 054.
9. SRI BHASKAR K  
S/O SRI V KRISHNA IYER,  
AGED ABOUT 65 YEARS,  
R/AT NO.45, RAMAIAH REDDY LAYOUT,

**WA NO. 1026 OF 2006** C/W WA NO. 1093 OF 2006, WA NO. 1116 OF 2006, WA NO. 1164 OF 2006, WA NO. 1167 OF 2006, WA NO. 1312 OF 2006, WA NO. 1430 OF 2006, WA NO. 1844 OF 2006 & WA NO. 960 OF 2007

SECTOR-B, BASAVANAGAR,  
MARATHAHALLI POST,  
BENGALURU-560 037.

10. SRI BASAVARAJ H C,  
S/O LATE SRI PUTTALINGE GOWDA,  
AGED ABOUT 77 YEARS,  
R/AT NO.228, 1<sup>ST</sup> FLOOR,  
1<sup>ST</sup> CROSS JAYARAMA LAYOUT,  
NEAR VENKATESWARA COLLEGE (DENTAL),  
BANNERGHATTA, BENGALURU – 560 083.
11. SMT SRIDEVI,  
W/O SRI SHAMBHULINGAPPA,  
AGED ABOUT 60 YEARS,  
R/AT NO.217, 8<sup>TH</sup> MAIN,  
1<sup>ST</sup> BLOCK, H.R.B.R LAYOUT,  
KALYANAGAR, BENGALURU – 560 043.
12. SMT B K JAYASHREE  
W/O LATE SRI M C SRIKANTH,  
AGED ABOUT 53 YEARS,  
R/AT NO.L.F.43/11, ESIC QUARTERS,  
NANDINI LAYOUT, BENGALURU – 560 096.
13. SRI G P PRAKASH,  
S/O SRI PRASANNAIAH G M,  
AGED ABOUT 67 YEARS,  
R/AT NO.24, 1<sup>ST</sup> FLOOR,  
4<sup>TH</sup> MAIN, 4<sup>TH</sup> CROSS, 2<sup>ND</sup> PHASE,  
WEST OF CHORD ROAD,  
MANJUNATH NAGAR,  
BENGALURU – 560 010.

...RESPONDENTS

(BY *SRI. PRADEEP C.S, AAG A/W\** SRI. HARISHA A.S., AGA FOR R-1, SRI G.S.KANNUR, SENIOR COUNSEL A/W SRI. MURUGESH V.CHARATI, ADV. APPEARING FOR R2 & R3, SRI. D.N. MANJUNATH, ADV. FOR IMPLEADING APPLICANT ON

**WA NO. 1026 OF 2006** C/W WA NO. 1093 OF 2006, WA NO. 1116 OF 2006, WA NO. 1164 OF 2006, WA NO. 1167 OF 2006, WA NO. 1312 OF 2006, WA NO. 1430 OF 2006, WA NO. 1844 OF 2006 & WA NO. 960 OF 2007

I.A.1/2015, SRI. B.R.VISHWANATH, ADV. FOR IMPEADING APPLICANTS ON I.A.1/2014, SRI. R.B.SADASHIVAPPA, ADV. FOR IMPEADING PROPOSED R-4 TO 13)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT PRAYING TO SET ASIDE THE ORDER DATED 06.06.2006 PASSED IN THE WRIT PETITION No.2057-2065/2004 (LA-BDA) APPELLANTS CONCERNED PASSED THEREIN REGARDING UPHOLDING VALIDITY OF THE NOTIFICATIONS TO ACQUIRE APPELLANTS LANDS AND DROP THE SAME FROM ACQUISITION PROCEEDINGS BY THE RESPONDENTS.

**IN WA NO.1116 OF 2006**

**BETWEEN**

1. SMT JAYALAKSHMAMMA,  
W/O M. NAGARAJ,  
AGED ABOUT 50 YEARS,
2. M. NAGARAJ  
S/O MOTAPPA  
AGED ABOUT 55 YEARS,
3. SMT. RATHNAMMA  
W/O M NAGARAJ  
AGED ABOUT 45 YEARS,
4. SRI M MUNIRAJU,  
S/O M NAGARAJ  
AGED ABOUT 35 YEARS,
5. SRI RAVI  
S/O M NAGARAJ  
AGED ABOUT 30 YEARS,
6. SRI SATHISH  
S/O M NAGARAJ  
AGED ABOUT 28 YEARS,

**WA NO. 1026 OF 2006** C/W WA NO. 1093 OF  
2006, WA NO. 1116 OF 2006, WA NO. 1164 OF  
2006, WA NO. 1167 OF 2006, WA NO. 1312 OF  
2006, WA NO. 1430 OF 2006, WA NO. 1844 OF  
2006 & WA NO. 960 OF 2007

7. SMT. CHANDRAKALA  
W/O VENKATESH  
AGED ABOUT 28 YEARS,
8. SRI MANJESH  
S/O M NAGARAJ  
AGED ABOUT 25 YEARS,
9. SRI HARISH  
S/O M NAGARAJ  
AGED ABOUT 22 YEARS,
10. M USHA  
D/O MUNIRAJU  
AGED ABOUT 10 YEARS,
11. ASHA,  
AGED ABOUT 08 YEARS,  
REP. BY NATURAL GUARDIAN  
FATHER MUNIRAJU
12. MASTER AKSHAY  
AGED ABOUT 03 YEARS,  
S/O SATISH  
REP. BY NATURAL GUARDIAN  
FATHER SATISH

ALL ARE R/AT SY.NO.61/1A 1(P)  
GUBBALAALA VILLAGE,  
UTTARAHALLI HOBLI,  
BANGALORE SOUTH TALUK.

...APPELLANTS

(BY SRI. T.RAVINDRA PATIL, ADVOCATE)

**AND**

1. STATE OF KARNATAKA  
REP. BY ITS SECRETARY,  
HOUSING AND URBAN DEPARTMENT,  
VIDHANA SOUDHA, BANGALORE - 560 001.

**WA NO. 1026 OF 2006** C/W WA NO. 1093 OF 2006, WA NO. 1116 OF 2006, WA NO. 1164 OF 2006, WA NO. 1167 OF 2006, WA NO. 1312 OF 2006, WA NO. 1430 OF 2006, WA NO. 1844 OF 2006 & WA NO. 960 OF 2007

2. BANGALORE DEVELOPMENT AUTHORITY  
SANKEY ROAD,  
BANGALORE – 560 020.
3. SPECIAL LAND ACQUISITION OFFICER,  
BANGALORE DEVELOPMENT AUTHORITY,  
SANKEY RAOD,  
BANGALORE – 560 020.
4. RAMAIAH  
S/O DODDA ANJANAPPA,  
WORKING AS PEON IN BDA,  
R/AT GUBBALAALA VILLAGE,  
BANGALORE SOUTH TALUK.
5. HANUMANTHAPPA,  
S/O DODDA ANJANAPPA,  
R/AT GUBBALAALA VILLAGE,  
BANGALORE SOUTH TALUK.

...RESPONDENTS

(BY *SRI. PRADEEP C.S*, AAG A/W\* *SRI HARISHA A.S.*, AGA FOR R-1, *SRI G.S.KANNUR*, SENIOR COUNSEL A/W *SRI. MURUGESH V.CHARATI*, ADV. APPEARING FOR R2 & R3, *SRI V.VISHWANATH*, ADV. FOR PROPOSED R-4 AND VIDE COURT ORDER DATED 17.01.2007 NOTICE TO R-5 IS HELD SUFFICIENT AND UNREPRESENTED)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT PRAYING TO SET ASIDE THE ORDER DATED 06.06.2006 IN WRIT PETITION NO.43126-37/2003 (L.A.) PASSED BY THE HON'BLE SINGLE JUDGE OF THIS HON'BLE COURT.

**IN WA NO.1164 OF 2006**

**BETWEEN**

1. SMT. MUNIVENKATAMMA @ CHINNATHAYAMMA,  
W/O LATE SRI.MUNIKRISHNAPPA,  
SINCE DEAD BY HIS L.Rs

\*corrected vide chamber order dated 16-4-2025

**WA NO. 1026 OF 2006** C/W WA NO. 1093 OF 2006, WA NO. 1116 OF 2006, WA NO. 1164 OF 2006, WA NO. 1167 OF 2006, WA NO. 1312 OF 2006, WA NO. 1430 OF 2006, WA NO. 1844 OF 2006 & WA NO. 960 OF 2007

1(a) SRI. NARAYANASWAMY  
S/O LATE MUNIKRISHNAPPA  
AGED 75 YEARS

1(b). SRI. ANANDA MURTHY  
S/O LATE MUNIKRISHNAPPA  
AGED ABOUT 67 YEARS

1(c). SRI. GOVINDARAJU  
S/O LATE MUNIKRISHNAPPA  
AGED ABOUT 66 YEARS

1(d). SRI. BHEEMARAJU  
S/O LATE MUNIKRISHNAPPA  
AGED ABOUT 60 YEARS

ALL ARE RESIDING AT  
NO.66, GANIGARA PALYA,  
HOSAHALLI DAKALU,  
UTTARAHALLI HOBLI,  
TALAGHATTAPURA POST,  
BENGALURU SOUTH TALUK – 560 109.

1(e). SMT. JAYAMMA  
D/O LATE MUNIKRISHNAPPA,  
AGED ABOUT 65 YEARS

1(f). SMT. GOWRAMMA  
D/O LATE MUNIKRISHNAPPA  
AGED ABOUT 63 YEARS,

BOTH ARE RESIDING AT  
RAMOHALLI,  
DODDA AALADAMARA,  
MYSURU ROAD,  
BENGALURU – 562 130.

1(g). SMT. SUMITHRA,  
D/O LATE MUNIKRISHNAPPA,

**WA NO. 1026 OF 2006** C/W WA NO. 1093 OF 2006, WA NO. 1116 OF 2006, WA NO. 1164 OF 2006, WA NO. 1167 OF 2006, WA NO. 1312 OF 2006, WA NO. 1430 OF 2006, WA NO. 1844 OF 2006 & WA NO. 960 OF 2007

AGED ABOUT 60 YEARS,  
R/AT DEVANAHALLI,  
KANNAMANGALA PALYA,  
BENGALURU - 562 110.

- 1(h). SMT. SHILPA  
GRAND DAUGHTER OF  
MUNIVENKATAMMA,  
D/O LATE NAGARAJ,  
AGED ABOUT 38 YEARS,  
NO.3, 3<sup>RD</sup> CROSS,  
DODDAMANNI,  
CHOWDAIAH BLOCK,  
NEAR SIDDHARTHA SCHOOL,  
RT NAGAR,  
BENGALURU - 560 032.
2. SRI THYAGARAJA  
S/O SRI RAMAIAH,  
MAJOR,  
R/AT HOSAHALLI DHAKALE,  
UTTARAHALLI HOBLI,  
TALAGATTAPURA POST,  
BANGALORE SOUTH TALUK - 560 032.
3. SRI KRISHNAMURTHY K.,  
S/O SRI.MUNU KRISHNAPPA,  
AGED ABOUT 54 YEARS,  
R/AT TALAGATTAPURA POST,  
BANGALORE - 560 062.
4. SRI CHANDRA MOULI H.,  
S/O SRI.HANUMANTHARAO,  
AGED ABOUT 41 YEARS,  
R/AT NO.173,  
NAGENDRA BLOCK,  
B.S.K. THIRD STAGE,  
BANGALORE - 560 085.

**WA NO. 1026 OF 2006** C/W WA NO. 1093 OF 2006, WA NO. 1116 OF 2006, WA NO. 1164 OF 2006, WA NO. 1167 OF 2006, WA NO. 1312 OF 2006, WA NO. 1430 OF 2006, WA NO. 1844 OF 2006 & WA NO. 960 OF 2007

5. SRI RAMACHANDRAPPA,  
SINCE DECEASED BY LRS
  - (a) SMT. LAKSHMAMMA,  
W/O LATE RAMACHANDRAPPA,  
AGED ABOUT 55 YEARS,
  - (b) SRI MANJUNATHA  
S/O LATE RAMACHANDRAPPA,  
AGED ABOUT 30 YEARS,

BOTH ARE RESIDING OF  
GANIGARA PALYA,  
HOSAHALLI TALUK,  
UTTARAHALLI HOBLI,  
TALAGATTAPURA POST,  
BANGALORE SOUTH TALUK – 560 109.
6. SMT CHOODAMANI  
W/O LATE SRI.NAGARAJ,  
AGED ABOUT 48 YEARS,  
HOSAHALLI TALUK, DHAKLE,  
UTTARAHALLI HOBLI,  
TALAGATTAPURA POST,  
BANGALORE SOUTH TALUK – 560 109.
7. SRI KODANDAPANI,  
S/O LATE SRI.CHINNAIAH NAIDU,  
AGED ABOUT 58 YEARS,  
RESIDENT OF GANIGARA PALYA,  
HOSAHALLI TALUK,  
UTTARAHALLI HOBLI,  
TALAGATTAPURA POST,  
BANGALORE SOUTH TALUK – 560 109.
8. MRS REETA J. DOSHI,  
W/O MR.JAGADISH KUMAR D.DOSHI,  
AGED ABOUT 42 YEARS,  
NO.211, 3<sup>RD</sup> 'D' CROSS,  
2<sup>ND</sup> BLOCK, 3<sup>RD</sup> STAGE,

**WA NO. 1026 OF 2006** C/W WA NO. 1093 OF 2006, WA NO. 1116 OF 2006, WA NO. 1164 OF 2006, WA NO. 1167 OF 2006, WA NO. 1312 OF 2006, WA NO. 1430 OF 2006, WA NO. 1844 OF 2006 & WA NO. 960 OF 2007

BASAVESHWARANAGAR,  
BANGALORE - 560 079.

9. MRS RASHMI V. DOSHI,  
W/O MR.VIJAY KUMAR D.DOSHI,  
AGED ABOUT 43 YEARS,  
R/AT NO.326, 3<sup>RD</sup> BLOCK,  
RAJAJINAGAR,  
BANGALORE - 560 010.

...APPELLANTS

(BY SRI. MITHUN GERAHALLI A., ADVOCATE)

**AND**

1. THE STATE OF KARNATAKA  
REPRESENTED BY ITS  
COMMISSIONER AND  
SECRETARY TO GOVERNMENT,  
URBAN DEVELOPMENT,  
VIDHANA SOUDHA,  
BANGALORE.
2. BANGALORE DEVELOPMENT AUTHORITY  
KUMARA PARK WEST,  
BANGALORE - 560 020  
REP. BY ITS COMMISSIONER.
3. THE SPECIAL LAND ACQUISITION OFFICER,  
BANGALORE DEVELOPMENT AUTHORITY,  
KUMARA PARK WEST,  
BANGALORE - 560 020.

...RESPONDENTS

(BY SRI. PRADEEP C.S, AAG A/W\* SRI HARISHA A.S., AGA FOR R-1, SRI G.S.KANNUR, SENIOR COUNSEL A/W SRI. MURUGESH V.CHARATI, ADV. APPEARING FOR R2 & R3, SRI D.R.RAVISHANKAR, SENIOR COUNSEL A/W SRI H.S.SANTHOSH, ADV. FOR PROPOSED RESPONDENT ON I.A.1/2015)

**WA NO. 1026 OF 2006** C/W WA NO. 1093 OF 2006, WA NO. 1116 OF 2006, WA NO. 1164 OF 2006, WA NO. 1167 OF 2006, WA NO. 1312 OF 2006, WA NO. 1430 OF 2006, WA NO. 1844 OF 2006 & WA NO. 960 OF 2007

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT PRAYING TO SET ASIDE THE ORDER PASSED IN THE WRIT PETITION No.54766/2003, 49850/2003, 48158/2003 & 51132/2003 DATED 06/06/2006.

**IN WA NO.1167 OF 2006**

**BETWEEN**

CHENNBASAPPA @ CHENNBASAVAIAH,  
S/O LATE BASAPPA,  
AGED ABOUT 52 YEARS,  
R/AT GANIGARAPALAYA VILAGE,  
THALGTAPURA POST,  
UTTARAHALLI HOBLI,  
BANGALORE – 560 062.

...APPELLANT

(BY SRI. HAREESH BHANDARY T., ADVOCATE)

**AND**

1. THE STATE OF KARNATAKA  
BY ITS SECRETARY,  
HOUSING URBAN DEVELOPMENT,  
M.S.BUILDING,  
BANGALORE – 560 001.
2. THE COMMISSIONER,  
BANGALORE DEVELOPMENT AUTHORITY,  
SANKEY ROAD,  
BANGALORE
3. THE SPL. LAND ACQUISITION OFFICER,  
BANGALORE DEVELOPMENT AUTHORITY,  
SANKEY ROAD,  
BANGALORE

...RESPONDENTS

**WA NO. 1026 OF 2006** C/W WA NO. 1093 OF 2006, WA NO. 1116 OF 2006, WA NO. 1164 OF 2006, WA NO. 1167 OF 2006, WA NO. 1312 OF 2006, WA NO. 1430 OF 2006, WA NO. 1844 OF 2006 & WA NO. 960 OF 2007

(BY *SRI. PRADEEP C.S, AAG A/W\** SRI HARISHA A.S., AGA FOR R-1, SRI G.S.KANNUR, SENIOR COUNSEL A/W SRI. MURUGESH V.CHARATI, ADV. APPEARING FOR R2 & R3)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT PRAYING TO SET ASIDE THE ORDER DATED 06.06.2006 PASSED IN THE WRIT PETITION NO.4147/2004 (LA-BDA) BY THE LEARNED SINGLE JUDGE BY REJECTING THE WRIT PETITION, CONSEQUENTLY BY ALLOWING THE WRIT APPEAL.

**IN WA NO.1312 OF 2006**

**BETWEEN**

1. N. ASHWATH,  
AGED ABOUT 50 YEARS,  
S/O NARAYANASWAMY
  
2. CHOWDAPPA,  
AGED ABOUT 47 YEARS,  
S/O NARAYANASWAMY

BOTH ARE RESIDING AT,  
THALAGHATTAPURA,  
KANAKAPURA ROAD,  
BENGALURU – 560 062.

...APPELLANTS

(BY SRI. R. HEMANTH RAJ, ADVOCATE)

**AND**

1. STATE OF KARNATAKA,  
REPRESENTED BY ITS  
PRINCIPAL SECRETARY,  
URBAN DEVELOPMENT DEPARTMENT,  
M.S. BUILDING,  
DR. AMBEDKAR VEEDHI,  
BENGALURU – 560 001.

**WA NO. 1026 OF 2006** C/W WA NO. 1093 OF 2006, WA NO. 1116 OF 2006, WA NO. 1164 OF 2006, WA NO. 1167 OF 2006, WA NO. 1312 OF 2006, WA NO. 1430 OF 2006, WA NO. 1844 OF 2006 & WA NO. 960 OF 2007

2. BANGALORE DEVELOPMENT AUTHORITY,  
REPRESENTED BY ITS COMMISSIONER,  
KUMARA PARK WEST,  
BENGALURU – 560 020.
3. THE SPECIAL LAND ACQUISITION OFFICER,  
BANGALORE DEVELOPMENT AUTHORITY,  
KUMARA PARK WEST,  
BANGALORE – 560 020.

...RESPONDENTS

(BY *SRI. PRADEEP C.S*, AAG A/W\* *SRI HARISHA A.S.*, AGA FOR R-1 AND R-2, *SRI G.S.KANNUR*, SENIOR COUNSEL A/W *SRI. MURUGESH V.CHARATI*, ADV. APPEARING FOR R2 & R3, *SRI A.PANCHAKSHARIAH* / PARTY-IN-PERSON)

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THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT PRAYING TO SET ASIDE THE ORDER DATED 06.06.2006 PASSED IN THE WRIT PETITION NO.2057/2004 (LA-BDA) BY THE LEARNED SINGLE JUDGE OF THIS HON'BLE COURT IN SO FAR AS APPELLANTS ARE CONCERNED REGARDING UPHOLDING THE VALIDITY OF THE NOTIFICATIONS TO ACQUIRE APPELLANTS LANDS AND DROP THE SAME FROM ACQUISITION PROCEEDINGS BY THE RESPONDENTS.

**IN WA NO.1430 OF 2006:**

**BETWEEN:**

1. THIMAPPA,  
S/O MUDDANNA,  
AGED ABOUT 47 YEARS,
2. L MANJUNATHA,  
S/O MUDDANNA,  
AGED ABOUT 39 YEARS,

**WA NO. 1026 OF 2006** C/W WA NO. 1093 OF 2006, WA NO. 1116 OF 2006, WA NO. 1164 OF 2006, WA NO. 1167 OF 2006, WA NO. 1312 OF 2006, WA NO. 1430 OF 2006, WA NO. 1844 OF 2006 & WA NO. 960 OF 2007

3. M SUBHASH,  
S/O MUDDANNA  
AGED ABOUT 37 YEARS,
4. GANGAMMA,  
W/O LATE NAGARAJAPPA  
AGED ABOUT 66 YEARS
5. BHAGYAMMA,  
W/O LATE SHIVALINGEGOWDA,  
AGED ABOUT 50 YEARS,
6. MANGALAMMA,  
W/O VENKATESH,  
AGED ABOUT 48 YEARS,
7. VIJAYA.M  
W/O MANJUNATH,  
AGED ABOUT 42YEARS,

ALL ARE R/AT THALAGATAPURA,  
UTTARAHALLI HOBLI,  
BENGALURU SOUTH TALUK,  
BENGALURU-560 062.

...APPELLANTS

(BY SRI R HEMANTHARAJU, ADVOCATE FOR A1 TO A3,  
SRI T S VENKATESH, ADVOCATE FOR A4 TO A7 (P/H))

**AND:**

1. THE STATE OF KARNATAKA,  
REP. BY ITS SECRETARY TO GOVERNMENT,  
HOUSING AND URBAN DEVELOPMENT DEPARTMENT,  
M.S.BUILDING, DR.AMBEDKAR ROAD,  
BANGALORE-560 001.

**WA NO. 1026 OF 2006** C/W WA NO. 1093 OF 2006, WA NO. 1116 OF 2006, WA NO. 1164 OF 2006, WA NO. 1167 OF 2006, WA NO. 1312 OF 2006, WA NO. 1430 OF 2006, WA NO. 1844 OF 2006 & WA NO. 960 OF 2007

2. THE BANGALORE DEVELOPMENT AUTHORITY,  
BY ITS COMMISSIONER, T.CHOWDAIAH ROAD,  
KUMARA PARK WEST, BANGALORE-560 020.
  
3. THE SPECIAL LAND ACQUISITION OFFICER,  
BANGALORE DEVELOPMENT AUTHORITY,  
T.CHAWDAIAH ROAD, KUMARA PARK WEST,  
BANGALORE-560 020.

...RESPONDENTS

(BY *SRI. PRADEEP C.S, AAG A/W\** SRI HARISHA A S, AGA FOR R1 – STATE (P/H), SRI G S KANNUR, SENIOR COUNSEL A/W SRI MURUGESH V CHARATI, ADV. APPEARING FOR R2 AND R3 – BDA(P/H) )

THIS WRIT APPEAL IS FILED U/S 4 OF THE KARNATAKA HIGH COURT ACT PRAYING TO SET ASIDE THE ORDER PASSED IN THE WRIT PETITION NO.2240/2004 DATED 6/6/2006.

**IN WA NO.1844 OF 2006:**

**BETWEEN:**

1. DASAPPA  
S/O DASAPPA  
SINCE DECEASED BY HIS LRS

1A. SMT YELLAMMA,  
W/O LATE DASAPPA  
AGED ABOUT 67 YEARS

1B. D DEVARAJ,  
S/O LATE DASAPPA,  
AGED ABOUT 44 YEARS.

BOTH ARE RESIDING AT:  
HOSAHALLI VILLAGE,  
THALGATPURA POST,  
KANAKAPURA MAIN ROAD,  
BANGALORE – 62.

**WA NO. 1026 OF 2006** C/W WA NO. 1093 OF 2006, WA NO. 1116 OF 2006, WA NO. 1164 OF 2006, WA NO. 1167 OF 2006, WA NO. 1312 OF 2006, WA NO. 1430 OF 2006, WA NO. 1844 OF 2006 & WA NO. 960 OF 2007

1C. SMT JANAKAMMA  
D/O LATE DASAPPA,  
AGED ABOUT 54 YEARS,  
R/AT NO.16, GANIGARAPALYA,  
NEAR BASAVANNA TEMPLE,  
THALAGATTAPURA POST,  
BENGALURU – 560 109.  
SINCE DEAD BY LRS

1C(i) SRI SRIKANTH,  
S/O LATE SMT JANAKAMMA  
AND LATE SRI KRISHNAPPA,  
AGED ABOUT 39 YEARS,  
R/AT NO.16, GANIGARAPALYA NEAR  
BASAVANNA TEMPLE,  
THALAGATTAPURA POST,  
BENGALURU – 560 109.

1C(ii) SRI LAKSHMINARAYANA,  
S/O LATE SMT JANAKAMMA  
AND LATE SRI KRISHNAPPA,  
AGED ABOUT 37 YEARS,  
R/AT NO.16, GANIGARAPALYA NEAR  
BASAVANNA TEMPLE,  
THALAGATTAPURA POST,  
BENGALURU – 560 109.

1C(iii) SRI DINESH,  
S/O LATE SMT JANAKAMMA  
AND LATE SRI KRISHNAPPA,  
AGED ABOUT 37 YEARS,  
R/AT NO.16, GANIGARAPALYA NEAR  
BASAVANNA TEMPLE,  
THALAGATTAPURA POST,  
BENGALURU – 560 109.

1D. SMT KRISHNAVENI,  
DAUGHTER-IN-LAW OF LATE DASAPPA  
W/O LATE TIRUPATHI @ H.D.BABU,

**WA NO. 1026 OF 2006** C/W WA NO. 1093 OF 2006, WA NO. 1116 OF 2006, WA NO. 1164 OF 2006, WA NO. 1167 OF 2006, WA NO. 1312 OF 2006, WA NO. 1430 OF 2006, WA NO. 1844 OF 2006 & WA NO. 960 OF 2007

AGED ABOUT 51 YEARS,  
R/AT No.59, GANIGARAPALYA,  
OPP: SAMPANGI RAMAIAH BUILDING,  
THALAGATTAPURA POST,  
BENGALURU - 560 062.

...APPELLANTS

(BY SRI UDAYA HOLLA, SR. COUNSEL A/W SRI H N BASAVARAJU, ADVOCATE AND SRI M R RAJAGOPAL, SR. COUNSEL A/W SRI H S SHANKAR, ADVOCATE)

**AND:**

1. THE STATE OF KARNATAKA  
BY ITS SECRETARY,  
HOUSING URBAN DEVELOPMENT,  
M.S.BUILDING, BANGALORE-1.

2. THE COMMISSIONER  
BANGALORE DEVELOPMENT AUTHORITY,  
SANKEY ROAD, BANGALORE.

3. THE SPL. LAND ACQUISITION OFFICER  
BANGALORE DEVELOPMENT AUTHORITY,  
SANKEY ROAD, BANGALORE.

4. M DINESH BABU,  
S/O E MADHAVAN,  
AGED ABOUT 47 YEARS,  
NO.10, 7<sup>TH</sup> 'A' CROSS, M.V.NAGAR,  
RAMAMURTHY NAGAR,  
BENGALURU - 560016.

5. SRINIVAS MURTHY,  
S/O LATE R KRISHNA MURTHY,  
AGED ABOUT 65 YEARS,  
R/AT NO.19, BCMC LAYOUT,  
RAGHUVANAHALLI,  
BANGALORE - 560 062.

**WA NO. 1026 OF 2006** C/W WA NO. 1093 OF 2006, WA NO. 1116 OF 2006, WA NO. 1164 OF 2006, WA NO. 1167 OF 2006, WA NO. 1312 OF 2006, WA NO. 1430 OF 2006, WA NO. 1844 OF 2006 & WA NO. 960 OF 2007

6. SRI. D. SUBHASCHANDRA  
S/O LATE SRI. S.C DHARMARAJ,  
AGED ABOUT 35 YEARS,  
R/AT NO.2107, 4<sup>TH</sup> MAIN,  
1<sup>ST</sup> CROSS NEAR ROYAL COUNTY PARK,  
JP NAGAR, VIII PHASE, 2<sup>ND</sup> BLOCK,  
BENGALURU – 560083.

7. SRI. R. GUNASHEKAR,  
S/O SRI. S. RAJAN,  
AGED ABOUT 58 YEARS,  
FLAT NO.G-4 RONAK APARTMENTS,  
2<sup>ND</sup> MAIN, MISSION ROAD,  
BENGALURU – 560027.

8. SMT. M. YAMUNAKALYANI,  
W/O P. RAJU,  
AGED ABOUT 56 YEARS,  
NO.10, 7<sup>TH</sup> A CROSS, M.V.NAGAR,  
RAMAMURTHY NAGAR,  
BENGALURU – 560016.

9. SMT. PUSHPALATH K.R,  
W/O LATE B.S. SREEVATSA,  
AGED ABOUT 54 YEARS,  
R/AT NO.203, 16<sup>TH</sup> MAIN, 24<sup>TH</sup> CROSS,  
BANASHANKARI, 2<sup>ND</sup> STAGE,  
BEGNALURU – 560070.

10. SRI. SRINGESHWARA,  
S/O K.S. RAMA RAO,  
AGED ABOUT 45 YEARS,  
R/AT NO.21, 3<sup>RD</sup> BLOCK,  
SOMANAHALLI, KANAKAPURA ROAD,  
BENGALURU – 560082.

11. SRI. N. SHASHANK,  
S/O H.C. NAGARAJU,  
AGED ABOUT 35 YEARS,  
NO.37, 2<sup>ND</sup> CROSS ANJANEYA NAGAR,

**WA NO. 1026 OF 2006** C/W WA NO. 1093 OF 2006, WA NO. 1116 OF 2006, WA NO. 1164 OF 2006, WA NO. 1167 OF 2006, WA NO. 1312 OF 2006, WA NO. 1430 OF 2006, WA NO. 1844 OF 2006 & WA NO. 960 OF 2007

BANASHANKARI, III STAGE,  
BENGALURU – 560085.

12. MISS R. VINITRA  
AGED ABOUT 34 YEARS,  
D/O LATE SUNDARI R/A G-1,  
GROUND FLOOR 'KUTEERA' 15TH CROSS ROAD,  
IDEAL HOME TOWNSHIP,  
RAJARAJESHWARI NAGAR,  
BENGALURU – 560098,

REPRESENTED BY GPA HOLDER,  
SRI. N. KALYANA SUNDARAM,  
AGED ABOUT 64 YEARS,  
S/O LATE R. NARAYANAN,  
R/AT FLAT NO.G-1 NO.46/1A ,  
KUTEERA APARTMENTS 15TH CROSS ROAD,  
IDEAL HOME TOWNSHIP,  
RAJARAJESHWARI NAGAR,  
BENGALURU – 560098.

13. SMT. VYANTHIMALA,  
W/O B. RANGARAJAN,  
AGED ABOUT 65 YEARS,  
NO.M. 001, TAMBOURINE APARTMENTS,  
KANAKAPURA ROAD, JARAGANAHALLI,  
JP NAGAR, VI PHASE,  
BENGALURU – 560078.

14. SRI. ZAKIR ABDUL KALAM,  
S/O C. ALI,  
R/A CHULLIYIL HOUSE,  
NECHIKUND, MANJERI-676121.

15. SRI. N. SARAVANAN,  
S/O LATE N.P. NATARAJAN,  
NO.5, 9<sup>TH</sup> CROSS, 3<sup>RD</sup> MAIN,  
HOYSALA NAGAR,  
RAMAMURTHYNAGAR,  
BENGALURU – 16.

**WA NO. 1026 OF 2006** C/W WA NO. 1093 OF 2006, WA NO. 1116 OF 2006, WA NO. 1164 OF 2006, WA NO. 1167 OF 2006, WA NO. 1312 OF 2006, WA NO. 1430 OF 2006, WA NO. 1844 OF 2006 & WA NO. 960 OF 2007

16. SRI. S. BHAGATHKUMAR,  
C/O S. VARDHARAJAN, PLOT NO.29,  
DOOR NO.416, KRISHNAPURI,  
ADHANOOR ROAD,  
GURUVANCHERI-603202.

17. SRI. U VIKRAMAN,  
FLOT NO.303A BROOKLYN APARTMENTS  
NO.63, BANASWADI MAIN ROAD,  
JAIBHARATHNAGAR, BENGALURU – 33.

18. SMT. SHANTHA,  
W/O J.B. UMESH,  
AGED ABOUT 52 YEARS,  
R/AT NO.576, UPSTAIRS, 23RD CROSS,  
13TH MAIN, BANASHANKARI II STAGE,  
BENGALURU – 560070.

19. SRI. B.S. SREEHARSHA,  
S/O LATE B.R. SEETHARAMAIAH,  
R/AT NO.203, 16TH MAIN, 24TH CROSS,  
BANASHANKARI II STAGE,  
BENGALURU SOUTH BENGALURU - 560070

20. SRI. R. SHIVALINGAM,  
S/O LATE C. RATHNA REDDY,  
AGED ABOUT 50 YEARS,  
R/AT NO.928, 7<sup>TH</sup> MAIN, RAGHAVENDRA BLOCK,  
BANASHANKARI 3<sup>RD</sup> STAGE,  
BENGALURU – 560050.

21. SMT. JAYAMMA,  
W/O A.K. VENKATASWAMY,  
AGED ABOUT 58 YEARS,  
R/AT FLAT NO.101, 1<sup>ST</sup> FLOOR,  
SUPRASANNA RESIDENCY, NO.13/2,  
13<sup>TH</sup> H MAIN, DOOPANAHALLI GARDEN,  
BENGALURU -560008.

**WA NO. 1026 OF 2006** C/W WA NO. 1093 OF 2006, WA NO. 1116 OF 2006, WA NO. 1164 OF 2006, WA NO. 1167 OF 2006, WA NO. 1312 OF 2006, WA NO. 1430 OF 2006, WA NO. 1844 OF 2006 & WA NO. 960 OF 2007

22. SRI. H.R. RAJANNA,  
S/O RANGANARASIMHAIAH,  
AGED ABOUT 44 YEARS,  
NO.278, SLN NILAYA WEST OF CHORD ROAD,  
KURUBARAHALLI, BENGALURU - 560086.

23. SRI. ROHTAS KUMAR,  
S/O LATE S.H. LAKHIRAM,  
AGED ABOUT 50 YEARS,  
NO.575, 23RD CROSS, 13TH MAIN ,  
BSK II STAGE BENGALURU - 560070.

24. SRI. S. SANGAMANATH,  
S/O SETTAPPA,  
AGED ABOUT 55 YEARS,  
R/AT NO.114, 4TH CROSS, 9TH MAIN,  
SIDDARTHA LAYOUT, MYSURU.

25. SRI. PRASHANT KARKARE,  
S/O DINAKAR KARKARE,  
AGED ABOUT 45 YEARS,  
C-003, RAHEJA RESIDENCY II BLOCK,  
KORAMANGALA, BENGALURU - 560034.

26. SRI. S. PRASAD,  
S/O LATE S. SIDDARAMAPPA,  
AGED ABOUT 63 YEARS,  
NO.36, KALAKUNG, 1ST EAST, LINK ROAD,  
MALLESHWARA, BENGALURU - 560017.

27. SRI. S.D MARULAPPA  
S/O LATE S. SIDDARAMAPPA  
AGED ABOUT 65 YEARS  
NO.36, KALAKUNJ 1ST EAST LINK ROAD,  
MALLESHWARAM, BENGALURU - 560017.

28. SMT. S. VINUTHA,  
W/O J.B. PRAKASH,  
AGED ABOUT 51 YEARS,  
R/AT NO.576, 23RD CROSS 13TH MAIN,

**WA NO. 1026 OF 2006** C/W WA NO. 1093 OF 2006, WA NO. 1116 OF 2006, WA NO. 1164 OF 2006, WA NO. 1167 OF 2006, WA NO. 1312 OF 2006, WA NO. 1430 OF 2006, WA NO. 1844 OF 2006 & WA NO. 960 OF 2007

BANASHANKARI II STAGE,  
BENGALURU – 560070.

29. SMT. T.S ASHA KIRAN,  
D/ LATE T.G. SHIVANAGAPPA,  
AGED ABOUT 50 YEARS,  
R/AT NO.1012, 15TH CROSS 24TH MAIN,  
BSK II STAGE, BENGALURU – 560070.

30. SMT. V. PARVATHY,  
W/O LATE A. VENKATASUBRAMANIAN,  
AGED ABOUT 75 YEARS,  
NO.4, RAMS FLAT (GROUND FLOOR NO.3) (OLD NO.50))  
BURMA KANAKKAMMAL STREET,  
WEST MAMBALAM, CHENNAI- 600033.

31. SRI. V. NAGARAJAN,  
S/O VENKATARAM,  
AGED ABOUT 79 YEARS,  
R/AT NO.7 UTTARAHALLI MAIN ROAD,  
CHIKKA KALLASANDRA, KSRTC LAYOUT,  
BENGALURU – 560061.

32. SRI. L.R. PARAMESHWARA,  
S/O RAMAKRISHNA BHAT,  
AGED ABOUT 50 YEARS,  
NO.88, 1ST FLOOR, 2ND MAIN,  
EAST OF KATHRIGUPPE,  
BENGALURU – 560085.

33. P.K. NAGARAJ,  
S/O LATE KRISHNA MURTHY,  
AGED ABOUT 72 YEARS,  
RESIDING AT NO.23, 21<sup>ST</sup> CROSS,  
ITTAMADU MAIN ROAD,  
BENGALURU – 560085.

34. K. ACHUTHA RAO,  
S/O LATE KRISHNA MURTY,  
AGED ABOUT 60 YEARS,

**WA NO. 1026 OF 2006** C/W WA NO. 1093 OF 2006, WA NO. 1116 OF 2006, WA NO. 1164 OF 2006, WA NO. 1167 OF 2006, WA NO. 1312 OF 2006, WA NO. 1430 OF 2006, WA NO. 1844 OF 2006 & WA NO. 960 OF 2007

RESIDING AT NO.8 19TH C CROSS,  
PADMANABHANAGAR,  
BENGALURU – 560061.

35. SHANTHA GURURAJ,  
W/O LATE A.K. GURURAJ,  
AGED ABOUT 68 YEARS,  
RESIDING AT NO.213, 4<sup>TH</sup> MAIN,  
5<sup>TH</sup> CROSS, NEAR BATA SHOWROOM,  
BAK 1ST STAGE, SRINIVASANAGAR,  
BENGALURU – 560050.

36. M.S. ANUPAMA RAO,  
W/O M.S. SRIPATHI RAO,  
AGED ABOUT 57 YEARS,  
RESIDING AT MATHRUSHREE NILAYA NO.198,  
3RD CROSS, NEW BANK COLONY,  
KONANAKUNTE, BENGALURU – 560062.

37. S. DWARKANATH,  
S/O LATE S. SATHYANARAYANA,  
AGED ABOUT 50 YEARS,  
RESIDING AT MATHRUSHREE NILAYA NO.198,  
3RD CROSS, NEW BANK COLONY,  
KONANAKUNTE, BENGALURU – 560062.

38. T. KRISHNA MURHTY,  
S/O LATE THANGAVELU,  
AGED ABOUT 66 YEARS,  
RESIDING AT NO.58, 8<sup>TH</sup> MAIN,  
MARATHAHALLI, BENGALURU – 560037.

39. S. LAKSHMI,  
W/O R. RAVINDRA RAO,  
AGED ABOUT 61 YEARS,  
RESIDING AT NO.16A BRINDAVANA LAYOUT,  
SUBRAMANYAPURA ROAD,  
BENGALURU – 560061.

**WA NO. 1026 OF 2006** C/W WA NO. 1093 OF 2006, WA NO. 1116 OF 2006, WA NO. 1164 OF 2006, WA NO. 1167 OF 2006, WA NO. 1312 OF 2006, WA NO. 1430 OF 2006, WA NO. 1844 OF 2006 & WA NO. 960 OF 2007

40. N. PARVATHI,  
W/O LATE S. SRINIVASALU NAIDU,  
AGED ABOUT 55 YEARS,  
RESIDING AT NO.161/A 7TH MAIN ,  
3RD BLOCK, THYAGARAJANAGAR,  
BENGALURU – 560028.

41. K. PRABHAKAR,  
S/O LATE K. V. BHAT,  
AGED ABOUT 63 YEARS,  
RESIDING AT BUILDING NO.43,  
DOOR NO.181, SHIRKE APARTMENT,  
KENGARI UPANAGARA,  
BENGALURU – 560060.

42. S. RAVINDRA RAO,  
S/O LATE S.N. ABU RAO,  
AGED ABOUT 68 YEARS,  
RESIDING AT NO.16A BRINDAVANA LAYOUT,  
SUBRAMANYAPURA ROAD,  
BENGALURU – 560061.

43. B. SAI KRISHNA RAO,  
S/O B. NAGENDRA RAO,  
AGED ABOUT 49 YEARS,  
RESIDING AT HOUSE NO.4-105,  
POSTAL COLONY, KURNOOL-518003.

44. S. SRIPATHI RAO,  
S/O M. SATHYANARAYANA,  
AGED ABOUT 65 YEARS,  
RESIDING AT MATHRUSHREE NILAYA NO.198,  
3RD CROSS NEW BANK COLONY,  
KONANAKUNTE,  
BENGALURU – 560062.

45. SUDHA,  
W/O S. DWARKANATH,  
AGED ABOUT 45 YEARS,  
RESIDING AT MATHRUSHREE NILAYA NO.198,

**WA NO. 1026 OF 2006** C/W WA NO. 1093 OF 2006, WA NO. 1116 OF 2006, WA NO. 1164 OF 2006, WA NO. 1167 OF 2006, WA NO. 1312 OF 2006, WA NO. 1430 OF 2006, WA NO. 1844 OF 2006 & WA NO. 960 OF 2007

3RD CROSS NEW BANK COLONY,  
KONANAKUNTE,  
BEGNALURU - 560062.

46. R. JAGANNATH,  
S/O LATE RAJA NAIDU,  
AGED ABOUT 60 YEARS,  
RESIDING AT NO.76A 1ST MAIN COLONY,  
MALLESHWARAM WEST,  
BENGALURU - 560055.

47. L. JAYALAKSHMI,  
W/O LATE S. MANOJI RAO,  
AGED ABOUT 66 YEARS,  
RESIDING AT NO.50/A  
NEW TIMBER YARD LAYOUT,  
MYSURU ROAD,  
BENGALURU - 560026.

48. K. KUMUDHA,  
W/O T. KRISHNAMURTHY,  
AGED ABOUT 55 YEARS,  
RESIDING AT NO.58, 8TH MAIN,  
MARATHHALLI,  
BENGALURU - 560037.

49. J. LATHA,  
W/O R. JAGANNATH,  
AGED ABOUT 55 YEARS,  
RESIDING AT NO.76A, 1ST MAIN COLONY  
MALLESHWARAM WEST,  
BENGALURU - 560055.

50. S. NAGARATHNA,  
W/O R. SURESH KUMAR,  
AGED ABOUT 51 YEARS,  
RESIDING AT NO.342, 2ND A MAIN,  
KAVIDHAMANAGAR, VIDHANASOUDHA LAYOUT,  
LAGGARE POST, BENGALURU - 560058.

**WA NO. 1026 OF 2006** C/W WA NO. 1093 OF 2006, WA NO. 1116 OF 2006, WA NO. 1164 OF 2006, WA NO. 1167 OF 2006, WA NO. 1312 OF 2006, WA NO. 1430 OF 2006, WA NO. 1844 OF 2006 & WA NO. 960 OF 2007

51. R. SURESH KUMAR,  
S/O LATE RAJU NAIDU,  
AGED ABOUT 62 YEARS,  
RESIDING AT NO.342, 2ND A MAIN,  
KAVIDHAMANAGAR, VIDHANASOUDHA LAYOUT,  
LAGGARE POST, BENGALURU – 560058.

...RESPONDENTS

(BY *SRI. PRADEEP C.S*, AAG A/W\* *SRI HARISHA A S*, AGA FOR R1 – STATE SRI G S KANNUR, SR. COUNSEL A/W *SRI MURUGESH V CHARATI*, ADV. APPEARING FOR R-2 & R3-BDA, *SMT SHEELA*, ADV. FOR IMPLEADING APPLICANT ON IA-1/2020 AND IA-3/2021)

THIS WRIT APPEAL IS FILED U/S 4 OF THE KARNATAKA HIGH COURT ACT PRAYING TO SET ASIDE THE ORDER PASSED IN THE WRIT PETITION No.50611/03 DATED 29/08/2006.

**IN WA NO.960 OF 2007:**

**BETWEEN:**

- 1 . SMT CHIKKAMUNIYAMMA,  
AGED ABOUT 60 YEARS,  
W/O LATE KAVEERAPPA
- 2 . SRI SUKANDA RAJU,  
AGED ABOUT 43 YEARS,  
S/O LATE KAVEERAPPA,
- 3 . NAGARAJU,  
AGED ABOUT 42 YEARS,  
S/O LATE KAVEERAPPA,
- 4 . RAMESH KUMAR,  
AGED ABOUT 32 YEARS,  
S/O LATE KAVEERAPPA,  
ALL ARE RESIDENTS OF GUBBALALA VILLAGE,  
BANGALORE SOUTH TALUK,  
BANGALORE DISTRICT.

...APPELLANTS

(BY *SRI R S HEGDE*, ADVOCATE APPEARING FOR APPELLANTS)

**WA NO. 1026 OF 2006** C/W WA NO. 1093 OF 2006, WA NO. 1116 OF 2006, WA NO. 1164 OF 2006, WA NO. 1167 OF 2006, WA NO. 1312 OF 2006, WA NO. 1430 OF 2006, WA NO. 1844 OF 2006 & WA NO. 960 OF 2007

**AND:**

- 1 . THE STATE OF KARNATAKA,  
HOUSING AND URBAN DEVELOPMENT DEPARTMENT,  
M.S. BUILDING, DR AMBEDKAR ROAD,  
BANGALORE - 560 001.
- 2 . THE BANGALORE DEVELOPMENT AUTHORITY,  
SANKEY ROAD, KUMARAPARK WEST,  
BANGALORE 560 020,  
REP BY ITS COMMISSIONER.
- 3 . THE SPECIAL LAND ACQUISITION OFFICER,  
BANGALORE DEVELOPMENT AUTHORITY,  
SANKEY ROAD, KUMARA PARK WEST,  
BANGALORE - 560 020.

...RESPONDENTS

(BY *SRI. PRADEEP C.S*, AAG A/W\* *SRI HARISHA A S*, AGA FOR R1 – STATE, *SRI G S KANNUR*, SENIOR COUNSEL A/W *SRI MURUGESH V CHARATI*, ADV. APPEARING FOR R2 & R3 - BDA)

THIS WRIT APPEAL IS FILED U/S 4 OF THE KARNATAKA HIGH COURT ACT PRAYING TO SET ASIDE THE ORDER PASSED IN THE WRIT PETITION NO.17452/2005 DATED 14/03/2007.

THESE WRIT APPEALS, HAVING BEEN HEARD AND RESERVED ON 27.02.2025 COMING ON FOR PRONOUNCEMENT OF JUDGMENT THIS DAY, ***K. SOMASHEKAR J.***, PRONOUNCED THE FOLLOWING:

CORAM: HON'BLE MR JUSTICE K.SOMASHEKAR  
AND  
HON'BLE MR JUSTICE VENKATESH NAIK T

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### **CAV JUDGMENT**

(PER: HON'BLE MR JUSTICE K. SOMASHEKAR)

These appeals have been preferred by the appellants being aggrieved by the acquisition proceedings carried out by the Bangalore Development Authority ('BDA', for short). All these appeals originate from different writ petitions, each filed before a learned Single Judge of this Court challenging the land acquisition proceedings carried out by the Bangalore Development Authority (BDA). The acquisition of said lands spread across various villages, in Thalaghattapura, Uttarahalli, Manavarthekeval, Gubbalala, for formation of 'Further Extension of Layout named Banashankari VI Stage'. As the lands of appellants in all these appeals have been acquired by the BDA for the common cause for formation of 'Further Extension of Layout named Banashankari VI Stage', all these appeals are taken up for hearing together and are disposed of by this common judgment.

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2. Heard the learned Senior Advocate Shri Uday Holla representing the learned counsel Shri Prakash T. Hebbar for appellants in W.A.No.1026/2006 which arises out of W.P.No.2066/2004. The dispute concerns land in Survey No. 72 measuring 2.24 acres, which was scheduled for acquisition.

2 (i) In respect of the appeal in W.A.No.1093/2006 which arises out of W.P.Nos.2057-2065/2004, we have heard the learned counsel Shri C. Shankar Reddy appearing for the appellants, the learned counsel Shri D.N. Manjunath for Impleading Applicant on I.A.No.1/2015, the learned counsel Shri B.R. Vishwanath for Impleading applicants on I.A.No.1/2014 and the learned counsel Shri R.B. Sadashivappa for Impleading Proposed R4 to R13. The disputed lands include Survey Nos. 11, 41/1, 41/2, 41/3, 10/1A, 7/15, 10/2, 43/10, 43/12, spanning 11.2 acres in Banashankari Thalaghattapura Village, Uttarahalli Hobli, Bangalore South Taluk.

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2(ii) In respect of the appeal in W.A.No.1116/2006, arising out of Writ Petition Nos. 43126-37/2003, we have heard the learned counsel Shri T. Ravindra Patil for appellants, and Shri V. Viswanath for Proposed Respondent No.4. The disputed land is in Survey No. 61/1A 1(P), with an extent of 1.18 acres.

2(iii) Writ Appeal No. 1164/2006, arising out of Writ Petition Nos. 54766/2003, 49850/2003, 48158/2003, and 51132/2003, is represented by the learned counsel Shri Mithun Gerahalli for the appellants and the learned Senior Counsel Shri D.R. Ravishankar represents the learned counsel Shri H.S. Santhosh for Proposed Respondent on I.A.No.1/2015. The disputed lands, located in Survey Nos. 7 Guntas in Sy No. 81/2, 1 Guntas in Sy.No.81/7, 7 Guntas in Sy. No. 81/3, 24.5 Guntas in Sy.No.89/2, 4 Guntas in Sy.No.81/5, 8 Guntas in Sy.No.81/9, 2 Guntas in Sy no. 8/11, 31 Guntas in Sy no. 77, 33 Guntas in Sy no. 81/1, 15 Guntas in Sy no. 86/3, 1 Acre 1 Gunta in Sy

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no. 80, Site bearing no 41A in Sy no. 7, 41 D in Sy no. 7 were notified for acquisition, covering a significant portion. The case was scheduled for acquisition, but no case laws were referenced.

2(iv) In respect of the appeal in W.A.No.1167/2006 arising out of Writ Petition No. 4147/2004, we have heard the learned counsel Shri Hareesh Bhandary T appearing for the appellants. The disputed land which is located in Survey No. 15/17, spans 1.10 acres.

2(v) In respect of the appeal in W.A.No.1312/2006, arising out of Writ Petition No. 2057/2004, we have heard the learned counsel Shri R. Hemanth Raj appearing for the appellants, and the party-in-person Shri Panchaksharaiah on I.A.No.1/2023. The lands under dispute include Survey Nos. 10/3, 10/4, and 23, covering 10/3-0.11, 10/4-0.30, and 23-4 acres.

2(vi) In respect of the appeal in W.A.No.1430/2006 arising out of Writ Petition No. 2240/2004, we have heard

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the learned counsel Shri R. Hemantharaju appearing for the appellant Nos.1 to 3, and the learned counsel Shri T.S. Venkatesh for Appellant Nos.4 to 7. The disputed lands include Survey Nos. 43/9 and 43/11, covering an extent of 9.5 and 0.27 guntas, respectively.

2(vii) In respect of the appeal in W.A.No.1844/2006 arising out of Writ Petition No. 50611/2003, we have heard the learned Senior Counsel Shri Udaya Holla representing the learned counsel Shri H.N. Basavaraju for appellants as well as the learned Senior Counsel Shri M.R. Rajagopal representing the learned counsel Shri H.S. Shankar for the appellants. We have also heard the learned counsel Smt. Sheela for the Impleading Applicant on I.A.No.1/2020 and I.A.No.3/2021. The disputed land in Survey No. 72 covers 4.4 acres, and the acquisition was scheduled.

2(viii) In respect of the appeal in W.A.No.960/2007 arising out of Writ Petition No.17452/2005, we have heard

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the learned counsel Shri R.S. Hegde appearing for the appellants. The disputed lands, located in Survey Nos. 39 and 45, cover 3.3 and 1.1 acres, respectively.

2(ix) Further, we have heard *Shri. Pradeep C.S, learned AAG and\** Shri Harisha A.S., the learned AGA who is representing Respondent No.1 in all the appeals, inclusive of the learned Senior Counsel Shri G.S. Kannur who has been engaged in the matters to represent the Learned Counsel Sri Murugesh V. Charati for the BDA / Respondent Nos.2 and 3 in all the appeals.

3. The factual matrix of the appeals are as under:

The Bangalore Development Authority (hereinafter referred to as 'the BDA', for brevity), had decided on 10.10.2002 to acquire land for the formation of a layout called "Further Extension of Banashankari 6th Stage" in various villages of Uttarahalli and Kengeri Hobli, Bangalore South Taluk. Following this decision, a Preliminary Notification was issued under Section 17(1) of the BDA Act on 07.11.2002 (published on 21.11.2002) to acquire 1532

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acres 17 guntas of land. Notices under Section 17(5) of the BDA Act were issued to the notified Khatedars and Anubhavdars in November and December 2002, and public notices were published in newspapers on 17.11.2002, inviting objections. Objections were filed by some landowners and interested persons, and public hearings were conducted between 10.02.2003 and 24.02.2003. These objections were considered in the BDA meeting on 28.06.2003, where resolutions were passed i) to approve the scheme under Section 15(2) of the BDA Act, ii) to seek Government sanction under Section 18(3) of the BDA Act, iii) to delete 782 acres 17 guntas from the final notification while levying betterment tax on the deleted portion, and iv) to send a proposal to the Government to issue final notification under Section 19(1) of the BDA Act for the remaining 750 acres of land, by overruling objections.

4. Thereafter, the Government sanctioned the scheme under Section 18(3) of the BDA Act on 04.09.2003

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and the Final Notification under Section 19(1) of the BDA Act was issued on 09.09.2003. Further, a Notification under Section 20 of the BDA Act was issued on 12.09.2003, levying betterment tax on 657 acres 15 guntas, while 127 acres 02 guntas were excluded as they belonged to BWSSB, KIADB, private layouts, and Green Belt areas. Notices under Sections 9 & 10 of the Land Acquisition Act were issued in September 2003, and public notices in newspapers were issued on 14.09.2003 inviting objections/claims. After hearing, awards were passed and approved by the Authority, and thereafter possession of 580 acres 18 guntas of land was handed over to BDA's Engineering Section for layout formation. However, the possession of the remaining land was delayed due to Court stay orders.

5. On 09.01.2004, BDA invited applications from Revenue site holders for alternative sites, receiving 262 applications, with scrutiny ongoing. After the disposal of

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related writ petitions, 107 additional applications were received from the revenue site owners for allotment of alternate sites. Meanwhile, BDA undertook developmental works, including land leveling and drainage formation, spending crores of rupees. Out of 750 acres acquired under the final notification, a total of 5991 residential sites of different dimensions were formed, of which 4983 were allotted to various applicants.

6. The Appellants in these Writ Appeals challenging the acquisition can be categorized as: (a) Landowners who were cultivating land or had constructed residential/non-residential buildings, (b) Site Owners who purchased sites in agricultural lands, unauthorized layouts, or converted layouts with approvals, (c) Owners of Garden and Nursery Lands, (d) Owners of Lands in Green Belt Areas, and (e) Persons in Possession through GPA, sale agreements, or allotment letters. The challenge to the Preliminary and Final Notifications was based on various grounds, including

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procedural lapses in land acquisition, improper consideration of objections, inclusion of developed/converted lands, and arbitrary exclusions/inclusions. The writ appeals arise from these challenges where Appellants seek relief against the acquisition and its consequences as decided by learned Single Judges of this Court in various orders.

7. Being aggrieved by the preliminary and final notifications issued in respect of the schedule lands, the appellants having no other alternative, have preferred writ petitions as aforesaid before a learned Single Judge of this Court. The learned Single Judge proceeded to reject the said writ petitions and thereby has upheld the acquisition proceedings in respect of the subject lands. It is the said orders which are under challenge in the present writ appeals by urging various grounds.

8. The learned Senior Counsel Shri Udaya Holla representing the appellants inclusive of the respective

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learned counsel for appellants in all these appeals contend that the acquisition proceedings initiated by the Bangalore Development Authority (BDA) are arbitrary, discriminatory, and violative of their fundamental rights under Articles 14, 19, and 21 of the Constitution of India. They argue that while the Preliminary Notification proposed to acquire 1532 acres and 17 guntas, the Final Notification reduced the acquisition to approximately 750 acres, thereby excluding over 50% of the originally notified land. However, the deletions were made selectively, favouring influential individuals while continuing the acquisition of lands belonging to the appellants without any objective criteria. Such selective exclusion amounts to discrimination and renders the entire acquisition process arbitrary and illegal.

9. The learned Senior counsel for appellants further contend that they had duly filed objections to the acquisition proceedings, pointing out that their lands were

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either residential, converted, or required for their livelihood. However, the BDA failed to consider their objections in a fair and transparent manner, and had proceeded with the acquisition without granting them an opportunity of being heard. It is also their contention that the Special Land Acquisition Officer (SLAO) approved the scheme mechanically without conducting a proper inquiry or providing justification for the inclusion or exclusion of lands. Additionally, the State Government, without independent application of mind, sanctioned the scheme under Section 18 of the BDA Act, 1976, further violating the principles of natural justice.

10. It is the further contention of the learned Senior counsel for appellants that the deletion of large extents of land from acquisition was carried out arbitrarily. In some villages, more than half of the originally notified lands were excluded in a scattered and inconsistent manner. For instance, in Gubbalala Village, out of 367 acres and 22

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guntas initially notified, only 142 acres and 1 gunta were finally acquired. Similarly, in other villages, substantial portions were excluded without clear justification. The respondents failed to provide any rational basis for these deletions, demonstrating a clear case of favoritism and arbitrary exercise of power. The failure of the State to file an affidavit justifying these exclusions reinforces the lack of transparency in the process.

11. The learned Senior counsel also challenges the jurisdiction of the BDA in acquiring lands situated outside the Bangalore Metropolitan Area. It is contended that many of the lands under acquisition fall under Village Panchayat jurisdiction, which is beyond the purview of the BDA under Section 2(c) of the BDA Act, 1976. The BDA, being a statutory authority established for urban development, does not have the authority to acquire lands in rural areas, unless specifically notified by the State Government in the Karnataka Gazette. Since no such

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notification has been issued for several villages under acquisition, it is contended that the entire process is *ultra vires* the BDA Act and legally unsustainable.

12. Additionally, it is the contention of the learned Senior counsel for appellants that the acquisition lacks a genuine public purpose. The BDA has been acquiring lands ostensibly for the formation of layouts but has failed to implement several previous schemes effectively. In many instances, acquired lands have remained undeveloped, and instead of being used for public benefit, they have been commercially exploited, leading to profiteering rather than public welfare. In the case of **V.A. Narasimha Reddy v. Government of Karnataka, (2012 SCC Online Kar 5254)**, the court noted that when substantial portions of land are excluded in a scattered manner, it becomes practically impossible to implement the original layout plan. The learned counsel for appellants contend that the power of eminent domain must be exercised for a

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just and legitimate public purpose. The absence of restrictions on the sale and transfer of allotted sites post-acquisition indicates that the BDA is acting more like a real estate agency than a public development authority. The relevant portion of the caselaw is extracted thus:

**"9.** A perusal of the above statement specifies that in the preliminary notification it was proposed to acquire 1532 acres 17 guntas. In the final notification large extent of land measuring 782 acres 17 guntas came to be left out. Further the award was passed to an extent of 447.25 acres. After taking possession of the land under Section 16(2) of the Land Acquisition Act certain lands came to be denotified, in respect of certain lands proposals are sent to Government for denotification, award was withdrawn in respect of certain lands, certain lands are left out on account of parallel acquisition proceedings, certain lands are left out on account of Court cases and certain lands are denotified during the pendency of writ proceedings. In the circumstances this Court by Order dated 17.06.2011 directed respondent

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Nos. 2 and 3 to produce a plan specifying the entire extent of land notified in the preliminary notification, the land left out in the final notification, the lands left out under Section 16(2) notification, lands denotified before filing of the writ petitions and also during the pendency of the writ petitions in different colours. Accordingly the respondent Nos. 2 and 3 filed a plan showing these details. A perusal of the plan produced by respondent Nos. 2 and 3 manifestly establishes the fact that the lands left out and denotified from the acquisition proceedings are not situated in one compact block nor on one side of the proposed layout. On the other hand it is seen from the plan that lands left out, denotified and acquired are located in different bits and they are intermingled. From this plan it is clear that the respondent Nos. 2 and 3 have arbitrarily left out the lands from acquisition proceedings and acquired certain bits of land here and there. Therefore practically it is not possible to form a layout of residential sites as initially conceived by the respondent Nos. 2 and 3. No material is placed on record to show that it is possible to

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form a residential layout in the bits of lands acquired by them which are situated in different places and when they are not linked to each other. When the very purpose of forming a layout of residential sites is not possible, then the impugned notifications are liable to be quashed on the ground that it is not practically possible to implement the project.

**10.** The manner in which the respondents notified the lands and denotified the lands specifies that the respondents have adopted the policy of pick and choose in acquiring certain lands and leaving out certain lands from the acquisition proceedings. In identical circumstances the Supreme Court in the case of *Radhy Shyam (Dead) Through Lrs v. State of Uttar Pradesh* [(2011) 5 SCC 553] , held as under:

“86. We also find merit in the appellants' plea that the acquisition of their land is vitiated due to violation of the doctrine of equality enshrined in Article 14 of the Constitution. A reading of the survey report shows that the

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committee constituted by the State Government had recommended release of land measuring 18.9725 ha., Many parcels of land were released from acquisition because the landowners had already raised constructions and were using the same as dwelling units. A large chunk of land measuring 4.3840 ha., was not acquired apparently because the same belonged to an ex-member of the Legislative Assembly. The appellants had also raised constructions on their land and were using the same for residential and agricultural purposes. Why their land was not left out from acquisition has not been explained in the counter-affidavit filed by the respondents. The High Court should have treated this as sufficient for recording a finding that the respondents had adopted the policy of pick and choose in acquiring some parcels of land and this amounted to violation of Article 14 of the Constitution. Indeed it has not been pleaded by the respondents that the appellants cannot invoke the doctrine of equality because the other parcels of land were illegally left out from acquisition.”

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**11.** It is seen from the record that out of total extent of land notified in the preliminary notification respondent Nos. 2 and 3 had actually taken possession of only 339 acres 34 guntas and the remaining land is left out from acquisition proceedings. According to the petitioners this works out to be, actual possession taken was only 22.17% and the remaining 77.83% is left out from the acquisition proceedings. The respondent Nos. 2 and 3 in their statement of objections as per Annexure R-2 stated the reasons for deletion as "conversion, acquired for B.W.S.S.B. pipeline, built up area, nursery and garden, private layout, green belt area" etc. A perusal of Annexure R-2 specifies that no reasons are mentioned for deletion of 252.16 acres. The respondent Nos. 2 and 3 have not produced any documents in support of the reasons assigned by them for deletion of certain lands from the acquisition proceedings. From this material on record it is clear that arbitrarily and for extraneous considerations the respondent Nos. 2 and 3 have deleted the lands from the acquisition proceedings. The manner in which

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the acquisition proceedings went on is nothing short of gross misuse and abuse of statutory powers vested in respondent Nos. 2 and 3.

**12.** It is not in dispute that respondent Nos. 2 and 3 initiated acquisition proceedings for formation of extension of Banashankari VI Stage Layout and also for formation of the approach roads to connect the layout to Kanakapura - Bangalore Main Road. In the preliminary notification the land belonging to respondent Nos. 4 to 6 in Survey No. 226 of B.M. Kaval Village measuring 10.12 acres and 5.12 guntas was proposed to be acquired in the preliminary Notification dated 07.11.2002. But in the final Notification dated 09.09.2003 the land in Survey No. 226 came to be left out. But, surprisingly, respondent Nos. 2 and 3 executed two registered sale deeds on 18.02.2009 and 04.04.2009 in favour of respondent Nos. 4 to 6 selling 1163.52 Sq. Mtrs. and 712.18 Sq. Mtrs. in Survey No. 107 belonging to the petitioners as per Annexures-T and T1. The reason assigned by respondents 2 and 3 for executing the two sale deeds that respondent Nos. 4 and 5 have voluntarily given a portion of the land in

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Survey No. 226 for formation of road in the layout in question. On one hand the land belonging to respondent Nos. 4 to 6 proposed to be acquired in the preliminary notification is subsequently dropped in the final notification and on the other hand out of land acquired a portion of was sold to respondent Nos. 4 to 6 on the ground that they had voluntarily given up a portion of the land in Survey No. 226 for formation of a road in the layout. Under the B.D.A. Act and Rules respondent Nos. 2 and 3 have no authority to sell the acquired land to respondent Nos. 4 to 6. On the face of it, the manner in which the acquisition proceedings are conducted is nothing short of abuse of power for extraneous considerations. There cannot be a better illustration than this in proof of colourable exercise of power.

**20.** The BDA Act is a special law for acquisition of land for planned development of Bangalore City. Any scheme formulated under the Act shall specify the immediate need, extent of lands required for proposed sites and other civic amenities like roads, parks, play grounds, community purpose, drains etc. The material on

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record discloses that nearly 78% of the land proposed in the scheme are left from acquisition and only 22% of the land is acquired. Even out of this 22% land acquired, there are certain proposals pending before the Government for denotification. It is not shown by the respondents as to how they will implement the project. No material is placed on record to show that the layout plan is approved by the Government. Several laws relating to Greenbelt area, Comprehensive Development Plan, Bangalore-Mysore Infrastructure Corridor Area, Minor Forest Area etc., are violated. There may be several other illegalities and acts of abuse of power which are not brought on record. The key attributes of good governance like transparency, responsibility and accountability are totally absent and writ large in the instant case. In the circumstances, I am of the considered opinion that the matter requires a thorough enquiry."

13. The learned Senior Counsel for appellants further highlights that despite substantial modifications to the original scheme, no fresh sanction was sought under

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Section 18 of the BDA Act. Once the acquisition plan undergoes major changes, fresh Government approval is necessary, failing which the acquisition loses its legal sanctity. The BDA's failure to obtain fresh sanction after modifying the acquisition by deleting more than 50% of the lands, renders the entire process invalid and *void ab initio*.

14. Another significant contention raised by the learned Senior counsel for appellants is the lapse of acquisition due to inaction by the BDA. It is contended that even years after the Final Notification, no award has been passed and physical possession of several lands have not been taken. Under Section 27 of the BDA Act and Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation, and Resettlement Act, 2013, the acquisition must be deemed to have lapsed due to the failure of the BDA to take necessary steps within the statutory period. The prolonged

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inaction by the BDA results in severe financial hardship, uncertainty, and deprivation of property rights for the appellants. In this regard, it is relevant to refer to a ruling of this Court in the case of **Smt. B.N. Anitha and Ors v. BDA and Ors (W.A. Nos.3382-84/2012 & 2990-3009/2013 C/W WRIT APPEAL Nos.1598-1620/2012)**. In the said case, this Court reaffirmed that, failure to take possession effectively rebuts the presumption under Section 16(2) of the Karnataka Amendment to the Land Acquisition Act, 1894, further supporting the appellants' claims. The relevant portion of the case law is given below:

“28. It is therefore necessary to point out that if the acquisition proceedings had been completed by taking over possession in accordance with law, name of BDA for whose benefit the land has been acquired could have been incorporated in the revenue records. There was no room for continuing the name of the writ petitioners as owners and persons in

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possession. Hence, the provision contained under Section 16(2) of Karnataka Amendment to the Land Acquisition Act, 1894, will not come to the help of the BDA to contend that possession has been taken over. Presumption, if any, arising under Section 16(2) is rebutted by producing the revenue records right from 2001-02 till 2016. No other document is produced by the BDA to show that actual possession was indeed taken over and the property in question was made use for formation of the layout.

29. Thus, although learned Single Judge has given several additional reasons for setting aside the acquisition while directing inquiry to be conducted under the provisions of the Karnataka Lokayukta Act, for the aforesaid reasons which are also some of the reasons assigned by the learned Single Judge, particularly regarding arbitrary action and discriminatory treatment meted out to the writ petitioners in not considering favourably the request for de-notification, we are of the view that the conclusion reached by the learned Single Judge while setting aside the acquisition

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is just and legal. However, we must not lose sight of the fact that the land belonging to the appellants in the connected appeal has been utilized by the BDA without acquiring the same and without paying compensation for them. Their grievance needs to be redressed either by providing alternate land or by paying compensation in accordance with law. Therefore, the right available to these appellants to proceed against the BDA in this connection is kept intact and is indeed reserved.”

15. The learned Senior counsel for appellants also points out procedural lapses in the acquisition process. It is contended that the land owners were not issued proper notices under Section 18(1) of the BDA Act, and their objections were neither considered nor addressed. Many of the lands under acquisition contain residential houses, temples, bore wells, and agricultural developments, yet the BDA failed to conduct a proper site inspection before issuing the Final Notification. It is contended that before

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initiating acquisition proceedings, the failure to recognize the developed nature of these lands, further undermines the legality of the acquisition process.

16. The learned Senior counsel for appellants rely on precedents where similar acquisitions have been quashed due to arbitrary deletions and selective acquisition. In the case of ***BEML Employees House Building Coop. Society Ltd. v. State of Karnataka, ((2005) 9 SCC 248)***, the Hon'ble Supreme Court held that all exercises of statutory discretion must be based on reasonable grounds and cannot lapse into arbitrariness, as seen in the present case. The relevant portion of the said judgment reads thus:

*"7. It was urged by the learned counsel for the appellant that whatever be the recommendations of the Land Acquisition Officer in his report under Section 5-A, they were merely recommendations and the State Government was not bound to accept them. The*

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*State Government had wide discretion to accept or reject the said report under Section 5-A of the Act and take independent decision to continue or discontinue the acquisition proceedings in respect of any particular land proposed to be acquired. Wide the discretion may be, but not wild. All exercise of statutory discretion must be based on reasonable grounds and cannot lapse into arbitrariness or caprice which is anathema to the rule of law envisaged in Article 14 of the Constitution. The facts placed on record do not indicate that the case of the fifth respondent was (sic not) similar, if not identical, to that of the other landowners, whose lands were dropped from the acquisition proceedings. Neither the appellant, nor the State Government has been able to show us any rational distinction between the case of the fifth respondent and the cases of the other landowners, whose lands were excluded from the acquisition. When this is so, it appears to us that the vice of hostile discrimination infects and vitiates the decision taken by the State Government to continue with the acquisition against the fifth respondent's land.*

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**8.** *A faint argument was made by the learned counsel for the State Government that inasmuch as the Government's files had been called for and perused, there might have been some reason on the file justifying the non-exclusion of the fifth respondent's land from the acquisition proceedings. It is difficult to accept the suggestion, for if there was any such reason the High Court would not have struck down the acquisition proceedings as hit by Article 14 of the Constitution. In any event, to put the matter beyond cavil, we adjourned the matter twice to enable the learned counsel for the State Government to produce the relevant files before us. Despite the adjournments granted, no such files have been produced and we were informed that the files are "not traceable". In this state of record, we find it difficult to accept the argument of the learned counsel for the State Government*

**9.** *The learned counsel for the appellant alternatively argued that even if the fifth respondent succeeded in establishing discrimination in his case, the High Court was not justified in quashing the preliminary*

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*notification under Section 4(1) of the Act. He reiterated the argument that, at the most, the final notification could have been quashed and the authorities under the Act directed to proceed afresh from the stage of submitting a report under Section 5-A of the Act. He also contended that the report under Section 5-A had not been accepted as the Revenue Secretary had made a spot inspection and decided not to agree with the report of the Land Acquisition Officer. As we have already pointed out, we have no material placed on record to show as to what really moved the Revenue Secretary or the State Government to overrule the recommendations of the Land Acquisition Officer only with respect to the land of the fifth respondent. Nor are we impressed by the argument that only the final notification had to be quashed and the matter be remitted to the authorities below. Once it is held that the action was discriminatory and hit by Article 14 of the Constitution, then the High Court was justified in quashing the whole proceedings, including the notification under Section 4(1), as prayed for by the fifth respondent."*

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17. Similarly, in the case of ***Hari Ram v. State of Haryana, ((2010) 3 SCC 621)***, the Hon'ble Apex Court emphasized that the State Government must exercise its powers under Section 48 of the Land Acquisition Act with fairness and consistency, ensuring that similarly situated landowners are treated equally. The appellants argue that the learned Single Judge failed to appreciate the unique facts of their cases, instead relying on generalized judgments without conducting an independent assessment. It is contended that in many cases, the learned Single Judge acknowledged the discriminatory nature of the acquisition but erroneously upheld it, directing the appellants to approach the BDA for reconsideration—an exercise that had already proven futile. The relevant portion of the extract is given below.

**"39.** *As noticed above, prior to 26-10-2007 the State Government did not have uniform policy concerning withdrawal from acquisition.*

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*As regards the guidelines provided in the Letter dated 26-6-1991, this Court has already held that classification on the basis of nature of construction cannot be validly made and such policy is not based on intelligible differentia and a rational basis. What appears from the available material is that for release of the lands under the subject acquisition, no policy has been adhered to. This leads to an irresistible conclusion that no firm policy with regard to release of land from acquisition existed.*

**40.** *It is true that any action or order contrary to law does not confer any right upon any person for similar treatment. It is equally true that a landowner whose land has been acquired for public purpose by following the prescribed procedure cannot claim as a matter of right for release of his/her land from acquisition but where the State Government exercises its power under Section 48 of the Act for withdrawal from acquisition in respect of a particular land, the landowners who are similarly situated have a right of similar treatment by the State Government. Equality of*

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*citizens' rights is one of the fundamental pillars on which the edifice of the rule of law rests. All actions of the State have to be fair and for legitimate reasons.*

**41.** *The Government has obligation of acting with substantial fairness and consistency in considering the representations of the landowners for withdrawal from acquisition whose lands have been acquired under the same acquisition proceedings. The State Government cannot pick and choose some landowners and release their land from acquisition and deny the same benefit to other landowners by creating artificial distinction. Passing different orders in exercise of its power under Section 48 of the Act in respect of persons similarly situated relating to the same acquisition proceedings and for the same public purpose is definitely violative of Article 14 of the Constitution and must be held to be discriminatory."*

18. Concluding their arguments, respective learned Counsel for the appellants submit that the acquisition

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proceedings are unconstitutional, illegal, and violative of their fundamental rights. The selective exclusion of lands without justification, the lack of jurisdiction of the BDA over village panchayat lands, the failure to obtain fresh sanction for modified acquisition plans, the absence of a genuine public purpose, and the failure to take possession within the statutory timeframe, all render the acquisition legally unsustainable. The Hon'ble Supreme Court in the case of ***Usha Stud & Agricultural Farms (P) Ltd. v. State of Haryana, ((2013) 4 SCC 210)***, emphasized that when similarly placed lands are exempted, the State cannot justify the acquisition of only a few remaining portions. Thus, the learned counsel for appellants pray this Court to set aside the impugned orders, quash the acquisition proceedings, and grant them appropriate relief in the interest of justice and equity. The relevant portion of the extract is given below.

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**"16.** *A reading of the above-reproduced notings makes it clear that while the Additional Director and the Director, Urban Estates Department had treated the appellants' case as similar to M/s Rani Shaver Poultry Farm Ltd. and others, the Chief Minister ordered the issue of Notification under Section 6(1) in respect of the land of Appellant 1 by assuming that major portion of it was lying vacant. Of course, he also ordered that the vacant lands belonging to M/s Rani Shaver Poultry Farm Ltd. and Jawala Textiles may also be notified for acquisition. It is a different thing that in the second round also the lands owned by M/s Rani Shaver Poultry Farm Ltd. and four others were released during the pendency of the writ petitions and the civil appeal filed by them. It is intriguing that while ordering the issue of notification under Section 6(1), the Chief Minister did not even advert to the objections filed by the appellants and the report made by the Land Acquisition Collector under Section 5-A(2). He was totally oblivious of the fact that the appellants had already utilised substantial portion of their land for establishing stud farm and for other activities, like, animal*

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*husbandry, agriculture, horticulture, nursery and dairy farming and had also constructed a large number of buildings by spending crores of rupees and planted 5000 trees. Be that as it may, the direction given by the Chief Minister for the issue of notification under Section 6(1) without considering the objections of the appellants and other relevant factors must be held as vitiated due to non-application of mind.*

**17.** *What is most surprising is that not only the Chief Minister, but the High Court also overlooked the fact that after the Chief Minister had ordered acquisition of vacant land belonging to M/s Rani Shaver Poultry Farm Ltd. and others and Notification dated 11-9-1990 was issued, the State Government and/or HUDA executed agreement with them and released the acquired land leaving out the appellants' land and in this manner they were subjected to hostile discrimination.*

**31.** *As a sequel to the above discussion, we hold that the decision taken at the level of the Chief Minister was not in consonance with the*

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*scheme of Section 5-A(2) read with Section 6(1). We further hold that the State Government's refusal to release the appellants' land resulted in violation of their right to equality granted under Article 14 of the Constitution."*

19. The learned Senior Counsel Shri G.S. Kannur who has been engaged in the matters to represent the Learned Counsel Sri Murugesh V. Charati for the BDA / Respondent Nos.2 and 3 in all the appeals contends that the land acquisition proceedings carried out for the formation of the layout "Further Extension of Banashankari 6th Stage" were transparent, fair, and devoid of any discrimination, arbitrariness, or *mala fide* intentions. The deletion of certain parcels of land from the acquisition process was done based on specific, legitimate grounds and does not invalidate the entire acquisition nor imply any discriminatory practice. Such exclusions of the included areas were lands which were already duly converted for non-agricultural use, extensively built-up localities,

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recognized nurseries, garden lands, charitable institutions, religious establishments, and areas already acquired for other governmental or developmental schemes. Hence, it is contended that these deletions were reasonable and justified by practical considerations and the ground realities and did not reflect any arbitrary or discriminatory exercise of authority.

20. The Learned Senior counsel for the Bangalore Development Authority (BDA) further contends that more than 80% of the residential sites formed from the acquired area of 750 acres have already been allotted to various applicants. Substantial expenditure, amounting to crores of rupees, has already been incurred for developing the acquired lands by constructing roads, drainage systems, levelling, and other infrastructure improvements. Thus, quashing the acquisition at this advanced stage, would be impractical and detrimental to the larger public interest.

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21. The Learned Senior Counsel Shri G.S. Kannur further contends that the development scheme was properly prepared and executed in full compliance with Sections 15 and 16 of the Bangalore Development Authority (BDA) Act, 1976. The preliminary notification under Section 17(1) clearly outlined the scheme details, survey numbers, extent of land proposed for acquisition, and the names of khatedars and anubhavadars. All necessary modifications after the preliminary notification, including deletion of land parcels, were within the scope of permissible adjustments contemplated under Section 18 of the BDA Act, rather than constituting an entirely new scheme.

22. The Learned Senior Counsel contends that the objections filed by landowners and interested parties were duly considered by the BDA during village-level camps conducted from February to March 2003. These objections were deliberated upon in the BDA meeting dated

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28.06.2003 (Subject No.177/2003), and appropriate decisions were taken. As mandated by the BDA Act, there is no requirement for personal or oral hearings beyond consideration of objections in writing. The Government, upon careful examination and consideration of all material facts, appropriately sanctioned the scheme under Section 18(3) of the Act, thus ensuring procedural compliance.

23. It is the further contention of the learned Senior counsel regarding the minor discrepancies raised by petitioners, such as the appearance of names of deceased persons or previous owners in the notifications, the BDA has clarified that these issues stem from reliance on the existing revenue records. Notifications were issued based on available records, and extensive public notice ensured ample opportunity for objections. Therefore, such discrepancies do not materially prejudice the acquisition proceedings. However, the BDA recognizes the rights of genuine subsequent purchasers who acquired properties

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through registered sale deeds prior to the preliminary notification but whose names were not updated in revenue records. It is contended that these purchasers, would be entitled to appropriate modifications in awards to claim compensation or alternate sites, as applicable.

24. Finally, the learned Senior counsel contends that the BDA acknowledges the hardships faced by site owners whose revenue sites have been acquired. In line with judicial precedents set in cases like ***G.R.Jayamma and ors vs State and ors (WP No.20875-938/2001) disposed on 20.07.2001 and Junjamma v. Bangalore Development Authority, (2004 SCC Online Kar 454)***, the BDA affirms its commitment to providing suitable relief by way of priority allotment of alternate sites (typically of dimension 30'x40'), subject to the fulfillment of conditions prescribed under the BDA (Allotment of Sites) Rules, 1984. Thus, the acquisition proceedings stand legal,

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justified, and executed transparently, in strict conformity with statutory provisions and the larger public interest.

25. The learned counsel for the respondents have relied on the following Judgements to profoundly substantiate their stand:

***i) Lila Ram (Pt.) v. Union of India, (1975) 2 SCC 547 (para 7)***

*"7. Reference has also been made by Mr Iyengar to the fact that the lands of some others which were also earlier proposed to be acquired under the notification were subsequently ordered not to be acquired. This fact too, in our opinion, would not militate against the validity of the acquisition of the land of the appellant. According to Section 5-A of the Act, 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 after the issue of the notification, object to the acquisition of the land or of any land in the*

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*locality, as the case may be. The objector is then given opportunity of being heard and thereafter a report is submitted to the appropriate Government by the Collector containing his recommendations on the objections. It is for the appropriate Government thereafter to take the decision on the objections. There is, therefore, no inherent infirmity in the decision of the Government in accepting some of the objections and rejecting others. The question as to what factors weighed with the authorities concerned in deciding not to acquire the land of others need not be gone into these proceedings because that would not in any way affect the validity of the acquisition of the land of the appellant."*

**ii) D. Hemachandra Sagar v. State of Karnataka, (1998 SCC OnLine Kar 549 : ILR 1998 Kar 4172).**

The relevant portion of the said judgment passed by this Court, reads thus:

**"11.** *The next contention that the scheme should contain all the particulars enumerated in*

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*Section 16 of the Act even before the publication of the notification under Section 17(1) is also untenable; If the scheme contains the broad factors in respect of the particulars enumerated in Section 16 it would be sufficient compliance with the preparation of the scheme. It is not the case of the petitioners that no scheme is drawn up by the BDA. Their objection is that there was no prior approval of the Government for the scheme.*

**12.** *It is also material to see that the BDA, after preparing the scheme, shall draw up a notification stating the fact of a scheme having been made and the limits of the area comprised therein, and naming a place where particulars of the scheme, a map of the area comprised therein, a statement specifying the land which is proposed to be acquired, for being seen at all reasonable hours, under Section 17(1) of the BDA Act.*

*It is not the case of the petitioners that the BDA did not draw any notification nor is it contended that the notification did not contain all*

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*those particulars nor was it contended that the scheme and the map were not kept for inspection. In the absence of any pleading in this behalf, it is not open to the petitioners to contend that the scheme was not prepared in accordance with Sections 15 and 16 of the BDA Act.*

*In Larsen & Toubro Ltd. v. State of Gujrat [(1998) 4 SCC 387.] , the Supreme Court considering the consequences of want of particulars in the pleading has held as follows:*

*"It is not enough to allege that a particular rule or any provision has not been complied with. It is a requirement of good pleading to give details, i.e., particulars as to why it is alleged that there is non-compliance with a statutory requirement. Ordinarily, no notice can be taken on such an allegation which is devoid of any particular. No issue can be raised on a plea the foundation of which is lacking. Even where rule nisi is issued, it is not always for the department to justify its action when the Court finds that a plea has been advanced without any substance,*

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*though ordinarily the department may have to place its full cards before the Court."*

*As stated supra, the pleading lacks particulars regarding the notification, exhibition of scheme and the map at a named place for inspection. In the absence of such pleading, there is no justification for the petitioners to contend that the scheme was not prepared in accordance with Sections 15 and 16 of the BDA Act."*

**iii) Maharashtra v. Basantibai Mohanlal Khetan, ((1986) 2 SCC 516))** . The relevant paragraphs of the said judgment of the Hon'ble Supreme Court reads thus:

**"15.** *We next proceed to consider a contention lacking in merit which has unfortunately been accepted by the High Court namely that the Act infringes Article 300-A of the Constitution. Article 300-A was not in force when the Act was enacted. Article 31(1) of the Constitution which was couched in the same language was however in force. Article 31-C gave protection to the Act even if it infringed*

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*Article 31. Let us assume that the action of acquiring private properties should satisfy now Article 300-A also because the proceedings to acquire the land started in the instant case after Article 300-A came into force. Let us also assume that a law should be fair and reasonable and not arbitrary and that a law should also satisfy the principle of fairness in order to be effective and let us also assume that the said principle of fairness lies outside Article 14. We are assuming all these, without deciding these questions, since the action can be upheld even if all these assumptions are well-founded. What is it that is being done now in the instant case? Certain vacant lands lying inside a municipal area are being acquired for providing housing accommodation after paying an amount which is computed in accordance with a method considered to be a fair one by courts. The purpose for which the lands are acquired is a public purpose. The owners are given opportunity to make their representations before the notification is issued. All the requirements of valid exercise of the power of eminent domain even in the sense in which it is understood in the*

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*United States of America where property rights are given greater protection than what is required to be done in our country are fulfilled by the Act. Yet the High Court, with respect, grievously erred in holding that even assuming that the provisions of Chapter V of the Act are protected from challenge under Articles 14, 19 and 31 of the Constitution due to the applicability of Article 31-C of the Constitution still the impugned provisions of the Act are required to be struck down as the said provisions are neither just nor fair nor reasonable.*

**16.** *Then in the end we have to consider the argument based on Article 21 of the Constitution which is urged on behalf of the respondents. Article 21 essentially deals with personal liberty. It has little to do with the right to own property as such. Here we are not concerned with a case where the deprivation of property would lead to deprivation of life or liberty or livelihood. On the other hand land is being acquired to improve the living conditions of a large number of people. To rely upon Article 21 of the Constitution for striking down the*

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*provisions of the Act amounts to a clear misapplication of the great doctrine enshrined in Article 21. We have no hesitation in rejecting the argument. Land ceiling laws, laws providing for acquisition of land for providing housing accommodation, laws imposing ceiling on urban property etc. cannot be struck down by invoking Article 21 of the Constitution."*

**iv) Ahuja Industries Ltd. v. State of Karnataka, ((2003) 5 SCC 365))**

**"12.** *This Court in Winky Dilawari v. Amritsar Improvement Trust [(1996) 11 SCC 644] has taken the view that failure to serve personal notices on the persons whose names have not been mutated in the official record-of-rights in pursuance of any sale in their favour does not vitiate the proceedings for acquisition. Similar view was taken in W.B. Housing Board v. Brijendra Prasad Gupta [(1997) 6 SCC 207] wherein this Court observed: (SCC p. 214, para 8)*

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*"It is no part of the duty of the Collector to make a roving inquiry into ownership of the persons. We are of the opinion that the requirements of the law were met when notices were served upon the recorded owners as per the record-of-rights. Again we do not think in a case like the present one, it is for the Collector to make enquiries from the registration office to find out if the land had since been sold by the recorded owners. In Winky Dilawari v. Amritsar Improvement Trust [(1996) 11 SCC 644], this Court observed that the public authorities were not expected to go on making enquiries in the Sub-Registrar's office as to who would be the owner of the property. The Collector in the present case was thus justified in relying on the official record being the record-of-rights as to who were the owners of the land sought to be requisitioned and prudence did not require any further enquiry to be made. We are therefore of the view that notices were properly served under Section 3(2) of the Act on the owners of the land.*

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**13.** *It could be seen from the above order that service of notice on a person shown as owner or occupier in the record-of-rights is sufficient even though the said person had already sold the land prior to the said notification unless it is substantiated otherwise that the authorities concerned had knowledge of the rights or interest of any person other than those found recorded as owner/occupier in the revenue records. It is further held that the Collector is not obliged to make a roving enquiry about the ownership of the land. If the name of the purchaser is not yet entered in the record-of-rights then non-service on such a person does not vitiate the acquisition proceedings. Admittedly, the appellant had not got his name entered in the revenue records as owner or occupant of the said land and therefore he could not complain about non-service of notice on him nor about the failure to grant a hearing to him. Contention that as per provision of the Land Revenue Act there was no obligation on his part to either inform the Revenue Authorities about the sale in his favour or to request them to transfer the katha in his name cannot stand as it*

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*has not been brought on record with reference to any pleadings with supporting documents that in fact the appellant had made payment for making the necessary entries in the record-of-rights and the register in his name at the time of registration of the sale deed in his favour. This apart, failure to make entries on the part of the Revenue Authorities by itself would not cast any obligation on the authorities under the Act to make a roving enquiry and try to locate an owner who may have subsequently purchased the land from the previous owner. Failure on the part of the Revenue Authority to make entry in the register of mutation in favour of the subsequent owner would not render the acquisition proceedings bad in law on account of non-issuance of notice inviting objections to the acquisition proceedings or service thereof."*

**v) Junjamma v. Bangalore Development Authority,**

**(2004 SCC OnLine Kar 454).** The relevant portion of

the said judgment of the Hon'ble Apex Court reads thus:

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**"33. Re. Point No. (9):**— *In law there is no prohibition for acquiring a land converted from agricultural use to either residential use industrial use or commercial use from being acquired for the purpose of formation of a layout. The conversion of land from one user to another user would not in any way affect the power of the Government to acquire such land. If the Government proposes to acquire a converted land probably they have to pay a higher amount of compensation than what they have to pay to agricultural lands taking into consideration the potential user of the land and the improvements which the owner of the land has made consequent to such conversion. But such conversion does not take away the power of the authorities or the Government to acquire the said land for the formation of a layout.*

**34.** *Similarly, there is no substance in the contention that having regard to the user of the land acquired, namely non-residential purpose; industrial purpose, commercial purpose, lands, used for nursery and garden cannot be used for residential purpose without there being*

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*appropriate permission obtained from the planning authority. In fact, in this regard the learned counsels for the petitioners relied on a judgment of this Court in the case of B.R. Baliga v. Town Municipal Council, Udipi, D.K. [1995 (4) Kar. L.J. 408.] where it has been held that when land which is acquired is an agricultural land acquired for the purpose of forming a residential layout the permission of the Planning Authority is required for the change of land use. Without such permission the land cannot be used for residential purposes. That again does not affect the power of the Authority or the Government to acquire the land. It is only after acquisition of the land that the authority can seek permission for change of land use. The very fact that there is a provision for change of land use implies that the owner of the land is entitled to approach the planning-authorities for change of land use. But such a request is to be made by the owner of the land. The ownership of the land could be acquired by the Authority by the mode of acquisition. Therefore, not obtaining prior permission from the Planning Authority for change of land use does not in anyway vitiate*

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*the acquisition of land. In fact while according sanction under Section 18(3) of the Act, the Government has categorically stated that the sanction sought for is granted subject to the condition that the Authority shall obtain permission for change of land use. Therefore, not obtaining prior permission for change of land use would in no way vitiate the acquisition proceedings."*

**vi) G.R.Jayamma and ors vs State and ors (WP No.20875-938/2001 disposed on 20.07.2001).** The relevant portion of the said judgment rendered by this Court, reads thus:

*"9. After the matter was heard further, a broad consensus was reached between petitioners and BDA. Having regard to the special facts and circumstances of these cases, petitioners and BDA submitted that these petitions may be disposed of recording the following terms agreed between them:-*

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*(a) Petitioners hereby withdraw their objections to the acquisition and assure full support and co-operating to BDA in forming the layout.;*

*(b) Petitioners shall register themselves as applicants for allotment under the Bangalore Development Authority [Allotment of sites] Rules, 1984 within a period of two months from today (extendable by another one month by BDA, if sufficient cause is shown). Petitioners will have to pay only the registration fee. They need not pay initial deposit as their sites have been acquired and they have agreed not to receive compensation in regard to the sites under this arrangement;*

*(c) The petitioners shall file applications for allotment of sites by the BDA within three months from today, in the prescribed form stating that they are applicants who are the petitioners in these writ petitions. Petitioners shall file their documents with BDA within a period of two months to enable BDA to verify the same.*

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*(d) BDA will treat them as applicants entitled to priority in allotment and allot each of them a site measuring 30'x40' in Anjanapura Layout or in any other nearby layouts in Bangalore at the prevailing allotment prices subject to petitioners satisfying the twin requirements for allotment under the BDA (allotment of sites) Rules 1984; that they must be the (ten year domicile) residents of Bangalore and should not be owning any residential property in Bangalore subject to exceptions as per Rule 10).*

*(e) If there are no rival claimants for compensation in regard to the plots claimed by petitioners, and if the ownership of the petitioners in regard to their respective sites which have been acquired is not disputed, BDA shall calculate the compensation payable to the petitioners and give credit to the same by adjusting the same towards the allotment price for the site to be allotted and call upon the petitioners to pay the balance. Petitioners shall be given six months time for making payment [to enable petitioners to know the amount of*

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*compensation which they will be entitled and to ascertain how much balance they should pay].*

*(f) If there are rival claimants in regard to the survey numbers or the sites or if any petitioner's title in regard to the sites are challenged, BDA shall make a reference in regard to the compensation in regard to such site/land in question to the Civil Court under Section 30 of the Land Acquisition Act, 1894; and the petitioners will have to sort out the matter before the reference Court. In that event, such petitioners will have pay the full allotment price within the time stipulated, without seeking adjustment of compensation for the acquired site;*

*(g) If any of the petitioners does not fulfil the requirements for allotment, under the allotment Rules, their cases may be considered for allotment of 20' \* 30' sites as per the Rules containing incentive scheme for voluntary surrender of lands. For the purpose of the said scheme, such petitioners will be deemed to have voluntarily surrendered the sites.*

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*(h) The above scheme will be available to only those who are owners, as a consequence of execution of registered sale deeds in their favour prior to the date of preliminary notification (and not to GPA/ Agreement Holders).*

*All the writ petitions are disposed of recording the above terms. The above arrangement having been arrived at in view of the peculiar facts of these cases, shall not be treated as a precedent in other cases."*

26. In view of the above reasons stated supported by the reliances extracted above, the learned Senior Counsel Shri G.S. Kannur for the respondents / BDA as well as the learned AGA for the State prays to outrightly dismiss the appeals filed by the appellants herein by confirming the orders rendered by the learned Single Judge.

27. In the context of contentions raised by the learned counsel for both the parties, it is relevant to state that the present cases revolve around multiple writ

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appeals challenging the acquisition of land for the formation of the "Further Extension of Banashankari 6th Stage" by the Bangalore Development Authority (BDA). The appellants have contended that the acquisition process was arbitrary, discriminatory, and in violation of their fundamental rights under Articles 14, 19, and 21 of the Constitution of India. It is their contention that while the preliminary notification initially proposed to acquire 1532 acres and 17 guntas, the final notification reduced the acquisition to approximately 750 acres, allegedly favoring influential individuals while unjustly continuing the acquisition of the lands of the appellants herein. Additionally, they claim that their objections were not considered in a fair and transparent manner and that the BDA failed to follow due process while proceeding with the acquisition.

28. Be that as it may, it is relevant to state that as contended by the learned counsel for the BDA, the land

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acquisition process undertaken by the Bangalore Development Authority (BDA) for the formation of the "Further Extension of Banashankari 6th Stage" was conducted in accordance with the provisions of the Bangalore Development Authority Act, 1976 (BDA Act, 1976). The acquisition was a necessary exercise in urban planning to accommodate the growing demands for residential and infrastructural development in Bangalore. The BDA Act, 1976, empowers BDA to formulate development schemes, acquire land, and implement urban planning projects that serve the public interest. The appellants' contention that the acquisition was arbitrary and discriminatory, is factually and legally unsustainable, as the entire process was carried out in strict adherence to statutory provisions, following a transparent, rational, and legally sound approach.

29. It is also relevant to state that the acquisition process was initiated by issuing a Preliminary Notification

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under Section 17(1) of the BDA Act on 07.11.2002, which was published on 21.11.2002. The preliminary notification clearly outlined the extent of land proposed for acquisition, the survey numbers, and the names of khatedars and anubhavadars. Notices under Section 17(5) of the BDA Act were issued to the affected landowners and published in leading newspapers on 17.11.2002, ensuring that all stakeholders were informed and given an opportunity to present their objections. The BDA conducted public hearings between 10.02.2003 and 24.02.2003, carefully considering the objections raised by landowners. In its meeting held on 28.06.2003, the BDA examined these objections and passed resolutions to approve the scheme under Section 15(2) of the BDA Act, seek Government sanction under Section 18(3) of the BDA Act, and delete 782 acres 17 guntas from the final notification while imposing a betterment tax on the deleted lands. The Government sanctioned the scheme under Section 18(3) of the BDA Act as on 04.09.2003, which was published on

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08.09.2003, and thereafter, the Final Notification was issued under Section 19(1) of the BDA Act as on 09.09.2003.

30. A crucial aspect of this case is the deletion of certain lands from the acquisition process, which the appellants argue, was done arbitrarily. However, this claim is misplaced and unfounded, as the exclusions were made based on objective, rational considerations, including areas that had already been converted for non-agricultural use, extensively developed localities, nurseries, religious institutions, and lands already acquired for other Government projects. These deletions were necessary to ensure practical and feasible urban planning, and they do not vitiate the legality of the acquisition process. The Hon'ble Supreme Court in the case of ***Lila Ram (Pt.) v. Union of India, ((1975) 2 SCC 547)***, held that the Government has the discretion to accept some objections and reject others based on the needs of public purpose.

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The BDA's approach aligns with this principle, as its decisions were based on planning necessities rather than favoritism or arbitrariness.

31. The betterment tax levied under Section 20 of the BDA Act on 657 acres 15 guntas of deleted land was a justified measure to ensure that those who benefited from the proximity of the developed layout contributed towards urban infrastructure improvements. The BDA had already incurred significant expenses on land leveling, drainage formation, and other development works, spending crores of rupees to implement the scheme. Furthermore, possession of 580 acres 18 guntas was lawfully handed over to BDA's Engineering section for layout formation, while the remaining land was delayed due to court-imposed stay orders. The appellants' claim that the acquisition lapsed under Section 27 of the BDA Act and Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation, and

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Resettlement Act, 2013, is untenable, as possession has already been lawfully taken and utilized for public development. Even the Hon'ble Supreme Court in the case of ***Offshore Holdings Pvt. Ltd. v. Bangalore Development Authority [(2011) 3 SCC 139]***, has upheld that once substantial development has commenced, acquisition does not lapse, making the appellants' arguments legally unsustainable.

32. The procedural fairness of the acquisition process is further reinforced by the compliance with Sections 15 to 19 of the BDA Act. The development scheme was prepared in strict accordance with Sections 15 and 16, and the Final Notification was issued after obtaining Government sanction under Section 18(3) of the BDA Act. Though the appellants have argued that they were denied a fair opportunity to present their objections, but this argument is factually incorrect, as public hearings were conducted, their objections were considered, and necessary

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modifications were made. The BDA Act does not mandate personal or oral hearings beyond the consideration of written objections, and this view is reaffirmed by a judgment of this Court in the case of ***D. Hemachandra Sagar v. State of Karnataka, (1998 SCC OnLine Kar 549)*** holding that, as long as a development scheme is prepared with broad compliance to Section 16 of the BDA Act, procedural sufficiency is maintained.

33. In addressing the concerns of site owners and those affected by acquisition, it is necessary to state that the BDA has followed judicial precedents to ensure that landowners receive fair treatment, which is supported by a judgment of this Court in the case of ***G.R. Jayamma and Others vs. State and Others (WP No. 20875-938/2001, disposed on 20.07.2001)***, where a broad consensus was reached between the petitioners and the BDA regarding site allotment. In the said case, the petitioners therein had agreed to withdraw their objections

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to the acquisition and, in return, were provided priority allotment of 30'x40' sites under the BDA (Allotment of Sites) Rules, 1984, provided they met the necessary eligibility criteria. They were allowed to adjust their compensation amounts against site prices, ensuring a fair and equitable resolution. Additionally, in cases where rival claimants existed, disputes were referred to the Civil Court under Section 30 of the Land Acquisition Act, 1894, ensuring legal clarity and transparency. While this specific arrangement was case-specific and not a precedent, it demonstrates that the BDA has taken a fair and accommodating approach towards landowners affected by the acquisition process.

34. Another baseless contention raised by the appellants is that the BDA lacks jurisdiction to acquire lands in rural areas or outside the Bangalore Metropolitan Area. However, the BDA Act empowers the BDA to acquire land for urban expansion, and the State Government

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sanctioned the acquisition, thereby ensuring jurisdictional validity. The Supreme Court in the case of ***Girnar Traders v. State of Maharashtra [(2011) 3 SCC 1]*** clarified that urban development authorities have the power to acquire land for metropolitan planning. Hence, the appellants' challenge on jurisdictional grounds is legally untenable and must be dismissed.

35. The argument on behalf of the appellants that the acquisition lacks genuine public purpose, is also misplaced and misleading. The BDA acquired land for the formation of a planned residential layout to accommodate Bangalore's expanding population, thereby fulfilling a legitimate public purpose. The Supreme Court in the case of ***Prakash Amichand Shah v. State of Gujarat [(1986) 1 SCC 581]*** held that urban land acquisition is a valid exercise of state power for public welfare. The BDA's project aligns with this principle, as 5991 residential sites were formed, and 4983 were allotted to eligible applicants,

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demonstrating that the acquisition was for public benefit and not commercial profiteering.

36. Thus, the BDA's acquisition process was lawful, fair, and necessary for urban planning. The statutory process under the BDA Act, 1976, was rigorously followed, and all procedural safeguards were adhered to. The deletion of lands was based on rational considerations, and the public interest in urban expansion outweighs the individual interests of the appellants. Given that the acquisition has already resulted in significant urban development, any interference at this stage would cause irreparable harm to public planning and infrastructure development. Accordingly, we are of the view that the BDA's acquisition is legally sound, and the appellants' claims requires to be dismissed in the interest of justice, equity, and public welfare. In that view of the matter, we proceed to pass the following:

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**ORDER**

a) All these writ appeals namely,  
i) W.A.No.1026/2006, ii) W.A.No.1093/2006,  
iii) W.A.No.1116/2006, iv) W.A.No.1164/2006,  
v) W.A.No.1167/2006, vi) W.A.No.1312/2006,  
vii) W.A.No.1430/2006, viii) W.A.No.1844/2006 and  
ix) W.A.No.960/2007 filed by the appellants are dismissed.

b) Consequently, i) the order dated 06.06.2006 passed by the learned Single Judge in W.P.No.2066/2004, ii) the order dated 06.06.2006 passed by the learned Single Judge in W.P.Nos.2057 to 2065/2004, iii) the order dated 06.06.2006 passed by the learned Single Judge in W.P.Nos.43126-43137/2003, iv) the order dated 06.06.2006 passed by the learned Single Judge in W.P.Nos.54766/2003, 49850/2003, 48158/2003 & 51132/2003, v) the order dated 06.06.2006 passed by the learned Single Judge in W.P.No.4147/2004, vi) the order dated 06.06.2006 passed by the learned Single Judge in

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W.P.No.2057/2004, vii) the order dated 06.06.2006 passed by the learned Single Judge in W.P.No.2240/2004 viii) the order dated 29.08.2006 passed by the learned Single Judge in W.P.No.50611/2003 and ix) the order dated 14.03.2007 passed by the learned Single Judge in W.P.No.17452/2005, are hereby upheld. As a result, the acquisition proceedings are also upheld.

iii) All pending applications stand disposed of as a consequence.

Before parting with this judgment, this Court places on record its deep appreciation for the able research and assistance rendered by its Research Assistants, namely Mr.Pranav.K.B, Ms. Sushmithaa Roshini R and Mr. Mohammed Sulaiman.

**SD/-  
(K.SOMASHEKAR)  
JUDGE**

**SD/-  
(VENKATESH NAIK T)  
JUDGE**

KS