

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST DAY OF FEBRUARY, 2025

PRESENT

THE HON'BLE MRS. JUSTICE ANU SIVARAMAN

AND

THE HON'BLE MR. JUSTICE UMESH M ADIGA

WRIT APPEAL NO. 1071 OF 2022 (LA-KIADB)
C/W.

CCC NO. 100143 OF 2023 (CIVIL),

W.A.NO.1064/2022, W.A.NO.1072/2022,

W.A.NO.1105/2022, W.A.NO.1110/2022,

& W.A.NO.896/2024, & W.A.NO.897/2024,

W.A.NO.1146/2022, W.A.NO.1176/2022,

W.A.NO.1198/2022, W.A.NO.100388/2022,

W.A.NO.100392/2022, W.A.NO.100393/2022,

W.A.NO.100394/2022, W.A.NO.100143/2023,

W.A.NO.100454/2023, W.P.NO. 56771/2013,

W.P.NO.35406/2014, W.P.NO.10489/2015,

W.P.NO.23940/2015, W.P.NO.12396/2020 (LA-KIADB)

WRIT APPEAL NO. 1071 OF 2022:

BETWEEN:

- 1 . THE KARNATAKA INDUSTRIAL AREAS
DEVELOPMENT BOARD (KIADB)
OFFICE AT NO.14/3, 2ND FLOOR
RASTHROTHANA PARISHAD BUILDING
NRUPATHUNGA ROAD,
BENGALURU-560 001
REPRESENTED BY ITS EXECUTIVE MEMBER

(NOTE -THE CORRECT ADDRESS AND
DESIGNATION IS THE KARNATAKA INDUSTRIAL
AREAS DEVELOPMENT BOARD
NO.49, 4TH FLOOR, KHANIJA BHAVAN
RACE COURSE ROAD, BENGALURU-560 001
REPRESENTED BY ITS CHIEF EXECUTIVE OFFICER
AND EXECUTIVE MEMBER.

- 2 . THE SPECIAL LAND ACQUISITION OFFICER
THE KARNATAKA INDUSTRIAL
AREAS DEVELOPMENT BOARD COMPLEX
14TH CROSS, PEENYA 2ND STAGE
BENGALURU - 560 052

PRESENTLY AT NO.39, 4TH FLOOR,
THE BHARATH SCOUTS AND GUIDES BUILDING
PALACE ROAD,
BENGALURU - 560 001.

...APPELLANTS

(BY SRI. K. SHASHI KIRAN SHETTY, SENIOR COUNSEL A/W
SRI. CHANDRASHEKAR P.V., ADVOCATE AND
MISS. SMRUTHI G., ADVOCATE)

AND:

- 1 . SRI. V. SRINIVAS
S/O LATE VENKATARAMANA
AGED ABOUT 52 YEARS
R/AT NO.161 (IN SY.NO.24)
KADUBISANAHALLI
VARTHUR HOBLI
BENGALURU EAST TALUK - 560 087
- 2 . THE STATE OF KARNATAKA
DEPARTMENT OF INDUSTRIES AND COMMERCE
VIDHANA VEEDHI
BENGALURU - 560 001
REPRESENTED BY ITS SECRETARY
- 3 . MYSORE IT SOLUTIONS PVT LTD
OFFICE AT NO.619/H, 36 CROSS
2ND BLOCK
NEAR ESI HOSPITAL
RAJAJINAGAR
BENGALURU - 560 010

...RESPONDENTS

(BY SRI. MANMOHAN P.N., ADVOCATE FOR R-1
SRI. VIKAS RAJIPURA, AGA FOR R-2
SRI. D.R. RAVISHANKAR, SENIOR COUNSEL FOR
SRI. SARAVANA S., C/R ADVOCATE FOR R-3)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT PRAYING TO i)SET ASIDE THE ORDER DATED 01.08.2022 PASSED IN WP NO.7980/2017 IN SO FAR AS DIRECTING TO PASS FRESH AWARD BY THE LEARNED SINGLE JUDGE OF THIS HON'BLE COURT AND CONSEQUENTLY DISMISS THE WRIT PETITION. ii) AND TO PASS SUCH OTHER ORDER/S INCLUDING THE AWARD OF COSTS.

IN CCC NO 100143 OF 2023:
BETWEEN:

- 1 . GAVISIDAPPA
S/O SANGAPPA NINGALABANDI
AGE 59 YEARS,
OCC. AGRICULTURE
R/O BHAGYANAGAR
TQ.DIST. KOPPAL - 583 231
- 2 . SHANKRAPPA
S/O SANGAPPA NINGALABANDI
AGE 54 YEARS,
OCC. AGRICULTURE
R/O BHAGYANAGAR
TQ.DIST. KOPPAL - 583 231
- 3 . NAGAPPA
S/O SANGAPPA NINGALABANDI
AGE 51 YEARS,
OCC. AGRICULTURE
R/O BHAGYANAGAR
TQ.DIST. KOPPAL - 583 231

...COMPLAINANTS

(BY SRI. LINGRAJ MARADI, ADVOCATE)

AND

- 1 . VANDITHA SHARAMA
CHEIF SECRETARY
VIDHANA SOUDHA
BENGALURU - 560001
- 2 . PANKAJ KUMAR PANDEY
PRINCIPAL SECRETARY

DEPARTMENT OF INDUSTRIES AND COMMERCE
KARNATAKA INDUSTRIAL AREA DEVELOPMENT BOARD
M S BUILDING
BENGALURU - 560 001

- 3 . R. GIRISH
EXECUTIVE MEMBER
KARNATAKA INDUSTRIAL AREA DEVELOPMENT BOARD
1ST FLOOR, NRUPATHUNGA ROAD
BENGALURU - 560 001
- 4 . MAMATHA HOSAGOWDRU
THE SPECIAL LAND ACQUISITION OFFICER
KARNATAKA INDUSTRIAL AREA DEVELOPMENT BOARD
PLOT NO. 33/A,
LAKAMANAHALLI INDUSTRIAL AREA
P.B.ROAD,
DHARWAD - 580 008
- 5 . THE STATE OF KARNATAKA
REPT BY SECRETARY
M S BUILDING,
BENGALURU

...ACCUSED

(BY SRI. VIKAS RAJIPURA, AGA FOR A-1 TO A-3 AND R-5
SRI. VEERESH BUDIHAL, ADVOCATE FOR A-4)

THIS CCC IS FILED UNDER SECTIONS 11 AND 12 OF THE CONTEMPT OF COURTS ACT, 1971, READ WITH ARTICLE 215 OF CONSTITUTION OF INDIA,1950, PLEASED TO INITIATE THE CONTEMPT PROCEEDINGS AND PUNISH THE ACCUSED PERSON HEREIN FOR WILFUL DISOBEDIENCE OF ORDER PASSED IN W.P.103533 of 2022 DATED 15-11-2022 IN THE INTEREST OF JUSTICE AND EQUITY.

IN W.A.NO.1064 OF 2022:
BETWEEN

- 1 . THE KARNATAKA INDUSTRIAL AREAS
DEVELOPMENT BOARD
OFFICE AT NO.14/3, 2ND FLOOR,
RASHTROTHANA PARISHAD BUILDING,

NRUPATHUNGA ROAD,
BENGALURU - 560 001
KARNATAKA REPRESENTED BY
ITS EXECUTIVE MEMBER

NOTE: THE CORRECT ADDRESS AND DESIGNATION IS
THE KARNATAKA INDUSTRIAL AREAS
DEVELOPMENT BOARD
NO.49, 4TH FLOOR
KHANIJA BHAVAN
RACE COURSE ROAD
BENGALURU - 560 001
REPRESENTED BY
ITS CHIEF EXECUTIVE OFFICER
AND EXECUTIVE MEMBER

- 2 . THE SPECIAL LAND ACQUISITION OFFICER
THE KARNATAKA INDUSTRIAL DEVELOPMENT
BOARD COMPLEX
14TH CROSS, PEENYA 2ND STAGE,
BENGALURU - 560 052
PRESENTLY AT NO. 39,
4TH FLOOR
THE BHARATH SCOUTS AND GUIDES BUILDING
PALACE ROAD, BENGALURU - 560 001.

...APPELLANTS

(BY SRI. K. SHASHI KIRAN SHETTY, SENIOR COUNSEL ALONG WITH
SRI. CHANDRASHEKAR P.V., ADVOCATE AND
MISS. SMRUTHI G., ADVOCATE)

AND

- 1 . M.S. NIRMALA
SINCE DECEASED BY HER LRS
- 1A. N.P. CHANDRASHEKARAI AH
H/O LATE M.S. NIRMALA
S/O PUTTEGOWDA
MAJOR IN AGE
- 1B. NIDASALE CHANDRASHEKARAI AH MOHAN
S/O N P CHANDRASHEKARAI AH

MAJOR IN AGE

- 1C. LAKSHMANA N C
S/O N P CHANDRASHEKARAI AH
MAJOR IN AGE
- (R1(A) TO R1(C) ARE R/AT
SY.NO.23/4, KADUBISANAHALLI ROAD,
KARIYAMMANA AGHARA ROAD,
BENGALURU - 560103.
2. MR. NANJUNDAIAH
S/O LATE L B CHUNCHAPPA
MAJOR IN AGE
R/AT NO.23/4,
KADUBISANAHALLI ROAD
KARIYAMMANA AGHARA ROAD
BELLANDUR POST
BENGALURU - 560 037
3. MR. HARISH
SINCE DEAD BY HIS LRS
- 3A. SMT. C. VIJAYALAKSHMI
W/O LATE HARISH
AGED MAJOR
- 3B. MISS H. SHWETHA
D/O LATE HARISH
AGED MAJOR
- 3C. MIS. H. VINUTHA
D/O LATE HARISH
AGED MAJOR
- 3D. MR. H. BHARATH
S/O LATE HARISH
AGED MAJOR
- (R3(A) TO R3(D) ARE R/AT NO.23/4,
KADUBISANAHALLI ROAD
KARIYAMMANA AGHARA ROAD
BELLANDUR POST
BENGALURU - 560 037).

4. SMT. NALINI
D/O LATE L.B. CHUNCHAPPA
AGED MAJOR
R/AT NO.23/4,
KADUBISANAHALLI ROAD
KARIYAMMANA AGHARA ROAD
BELLANDUR POST
BENGALURU - 560 037.
5. MR. PANCHALINGASWAMY
S/O LATE L.B. CHUNCHAPPA
SINCE DECEASED BY HIS LRS
- 5A. SMT. PUSHA H.P.
W/O LATE PANCHALINGASWAMY
AGED ABOUT 58 YEARS
- 5B. MISS. BHANUSHREE M.P.
D/O LATE PANCHALINGASWAMY
AGED ABOUT 34 YEARS

(R5(A) AND R5(B) ARE R/AT:
R/AT NO.23/4, "CHANDANA"
KADUBISANAHALLI ROAD
KARIYAMMANA AGHARA ROAD
BELLANDUR - 560 103.
6. MR. NAGARAJ
S/O BASAVAIHAH
AGED MAJOR

(R/AT NO.23/4,
KADUBISANAHALLI ROAD
KARIYAMMANA AGHARA ROAD
BELLANDUR POST
BENGALURU - 560 037.
- 7 . MASTERO HOTELS AND RESORTS PRIVATE LTD
A COMPANY INCORPORATED UNDER
THE PROVISIONS OF THE COMPANIES ACT 1956
HAVING ITS OFFICE AT NO. 9 AND 10
CHOWDAPPA ROAD
BENGALURU 560 025

KARNATAKA
 REPRESENTED BY ITS
 DGM MR. ASWIN AANCHETI

- 8 . STATE OF KARNATAKA
 DEPARTMENT OF INDUSTRIES AND COMMERCE
 VIDHANA VEEDHI
 BENGALURU - 560 001
 REPRESENTED BY ITS SECRETARY
- 9 . MYSORE IT SOLUTIONS PVT. LTD.
 OFFICE AT NO 619/H, 36 CROSS
 2ND BLOCK, NEAR ESI HOSPITAL
 RAJAJINAGAR
 BENGALURU - 560 010
 REPRESENTED BY ITS
 MANAGING DIRECTOR/CHAIRMAN
 MR. G. DAYANANDA

...RESPONDENTS

(BY SRI. V. LAKSHMINARAYANA, SENIOR COUNSEL FOR
 SRI. VIKRAM BALAJI, ADVOCATE AND
 SRI. ASHWIN KUMAR H., ADVOCATE FOR R-1 TO R-7;
 SRI. VIKAS RAJIPURA AGA FOR R8;
 SRI. D.R. RAVISHANKAR, SR.COUNSEL FOR
 SRI. SARAVANA.S., ADVOCATE FOR C/R9)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE
 KARNATAKA HIGH COURT ACT PRAYING TO i) SET ASIDE THE
 ORDER DATED 01.08.2022 PASSED IN WP No.8214/2017 IN SO
 FAR AS DIRECTING TO PASS FRESH AWARD BY THE LEARNED
 SINGLE JUDGE OF THIS HON'BLE COURT AND CONSEQUENTLY
 DISMISS THE WRIT PETITION AND ETC.

IN W.A.NO.1072 OF 2022:

BETWEEN:

- 1 . THE KARNATAKA INDUSTRIAL AREAS
 DEVELOPMENT BOARD (KIADB)
 OFFICE AT No.14/3, 2ND FLOOR
 RASTHROTHANA PARISHAD BUILDING
 NRUPATHUNGA ROAD
 BENGALURU-560 001
 REPRESENTED BY ITS EXECUTIVE MEMBER
 (NOTE: THE CORRECT ADDRESS AND

DESIGNATION IS
 THE KARNATAKA INDUSTRIAL AREAS
 DEVELOPMENT BOARD
 No.49, 4TH FLOOR, KHANIJA BHAVAN
 RACE COURSE ROAD
 BENGALURU-560 001
 REPRESENTED BY ITS
 CHIEF EXECUTIVE OFFICER AND
 EXECUTIVE MEMBER

- 2 . THE SPECIAL LAND ACQUISITION OFFICER
 THE KARNATAKA INDUSTRIAL AREAS
 DEVELOPMENT BOARD COMPLEX
 14TH CROSS, PEENYA 2ND STAGE
 BENGALURU-560058
 PRESENTLY AT No.39,
 'SHANTHI GRUHA', 4TH FLOOR
 THE BHARATH SCOUTS AND GUIDES BUILDING
 PALACE ROAD, BENGALURU-560 001

...APPELLANTS

(BY SRI. K. SHASHI KIRAN SHETTY, SENIOR COUNSEL A/W.
 SRI. P.V. CHANDRASHEKAR, ADVOCATE AND
 MISS. SMRUTHI G., ADVOCATE)

AND:

- 1 . VENKATARAMANA @ VENAKARAMANAPPA
 SINCE DEAD BY HIS LRS,
- 1A. SRI. V. SRINIVAS
 S/O LATE VENKATARAMANA
 @ VENAKARAMANAPPA
 AGED ABOUT 52 YEARS
 R/AT No.161 (IN SY.No.24)
 KADUBISANAHALLI
 VARTHU HOBLI
 BENGALURU EAST TALUK-560 087
- 1B . SMT. VENKATALAKSHMI
 D/O LATE VENKATARAMANA
 AGED ABOUT 55 YEARS
 R/AT No.119
 KARIYAMMANA AGRAHARA

BELLANDUR POST
BENGALURU-560 103

2 . SRI. V. MUNIYAPPA
S/O LATE VENKATARMANA
@ VENAKARAMANAPPA
SINCE DECEASED BY LR'S

2(a). SMT. MANJULA T.
W/O LATE V. MUNIYAPPA
AGED ABOUT 55 YEARS

2(b). SRI. RAGHUPATHI M.
S/O LATE V. MUNIYAPPA
AGED ABOUT 33 YEARS

2(c). SRI. PRASANNA KUMAR M.
S/O LATE V. MUNIYAPPA
AGED ABOUT 35 YEARS

ALL ARE R/AT No.24/164
MUNIYAPPA BUILDING
KADUBISANAHALLI
KARIYAMMANA AGRAHARA MAIN ROAD
NEAR NCC APARTMENT
BELLANDUR POST
BENGALURU-560 087

3 . SRI. SHANKARAPPA
S/O LATE VENKATARMANA
@ VENAKARAMANAPPA
AGED ABOUT 51 YEARS
R/AT No.159 IN SY No.24
KADUBISANAHALLI
VARTHUR HOBLI
BENGALURU EAST TALUK-560 087

4 . SRI. SATHISH RAO
S/O SRI. RAJARAM
AGED ABOUT 44 YEARS
R/AT No.147 IN SY No.24
KADUBISANAHALLI

VARTHUR HOBLI
BENGALURU EAST TALUK-560 087

- 5 . THE STATE OF KARNATAKA
DEPARTMENT OF INDUSTRIES AND COMMERCE
VIDHANA VEEDHI
BENGALURU-560 001
REPRESENTED BY ITS SECRETARY
- 6 . MYSORE IT SOLUTIONS PVT. LTD.
OFFICE AT No.619/H, 36TH CROSS
2ND BLOCK, NEAR ESI HOSPITAL
RAJAJINAGAR
BENGALURU-560 010
- 7 . SMT. MANJULA
D/O LATE VENAKATARAMANA
MAJOR IN AGE
R/AT No.162, KADUBISANAHALLI
BELLANDUR POST
BENGALURU-560 103

...RESPONDENTS

(BY SRI. MANMOHAN P.N., ADVOCATE FOR R1(A AND B),
R2 (A TO C) TO R4;
SRI. VIKAS RAJIPURA, AGA FOR R5;
SRI. D.R. RAVISHANKAR, SENIOR COUNSEL FOR
SRI. SARAVANA S., ADVOCATE FOR C/R6
SMT. V. MRUDULA, ADVOCATE FOR R7)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE
KARNATAKA HIGH COURT ACT PRAYING TO (i) SET ASIDE THE
ORDER DATED 01.08.2022 PASSED IN WP No.5916/2017 (LA-
KIADB) IN SO FAR AS DIRECTING TO PASS FRESH AWARD BY THE
LEARNED SINGLE JUDGE OF THIS HON'BLE COURT AND
CONSEQUENTLY DISMISS THE WRIT PETITION AND ETC.

IN W.A.NO.1105 OF 2022:
BETWEEN:

- 1 . MR. NANJUNDAIAH
S/O LATE L.B. CHUNCHAPPA
AGED MAJOR

2. MR. HARISH
(SINCE DEAD, BY HIS LRS)

2A. MRS. C. VIJAYALAKSHMI
W/O LATE HARISH
AGED MAJOR

2B. MS. H. SHWETHA
D/O LATE HARISH
AGED MAJOR

2C. MS. H. VINUTHA
D/O LATE HARISH
AGED MAJOR

2D. MR. H. BHARATH
S/O LATE HARISH
AGED MAJOR

3. MRS. NALINI
D/O LATE L.B. CHUNCHAPPA
AGE MAJOR

RESPONDENTS No.1, 2(A-D) & R3 ARE
RESIDING AT No.23/4, AGRAHARA
KADUBISENAHALLI ROAD
BELLANDUR POST
BENGALURU-560 037

4. MR. PANCHALINGASWAMY
S/O LATE L.B. CHUNCHAPPA
SINCE DECEASED BY HIS LR'S

4A. MRS. PUSHPA H.P.
AGED ABOUT 56 YEARS
W/O LATE PANCHALINGAWAMY C.

4B. MISS. BHANUSHREE M.P.
D/O LATE PANCHALINGASWAMY C.
AGED ABOUT 32 YEARS

RESPONDENTS No.4(A-B) ARE
R/AT. NO.23/4, CHANDANA
KARIYAMMANA AGRAHARA ROAD
BENGALURU-560 103

5. MR. NAGARAJ
S/O LATE BASAVIAIAH
AGE MAJOR
RESIDING AT No.23/4, AGRAHARA
KADUBISENAHALLI ROAD
BELLANDUR POST
BENGALURU-560 037
6. MASTERO HOTELS AND
RESORTS PRIVATE LIMITED
A COMPANY INCORPORATED UNDER
THE PROVISIONS OF THE COMPANIES ACT, 1956
HAVING ITS OFFICE AT No.9 AND 10,
CHOWDAPPA ROAD, BENGALURU-560 025
KARNATAKA
REPRESENTED BY ITS D.G.M.
MR. ASHWIN AANCHETI

...APPELLANTS

(BY SRI. V. LAKSHMINARAYANA, SR. COUNSEL FOR
SRI. VIKRAM BALAJI AND
SRI. ASHWIN KUMAR H., ADVOCATES)

AND:

- 1 . STATE OF KARNATAKA
BY ITS PRL. SECRETARY
DEPARTMENT OF COMMERCE AND INDUSTRIES
VIKASA SOUDHA
DR. AMBEDKAR VEEDHI ROAD
BENGALURU-560 001
KARNATAKA
- 2 . SPECIAL LAND ACQUISITION OFFICER
KARNATAKA INDUSTRIAL DEVELOPMENT BOARD
GANDHINAGARA COMPLEX
14TH CROSS, PEENYA II STAGE
BENGALURU-560 058
KARNATAKA

- 3 . KARNATAKA INDUSTRIAL AREA
DEVLEOPMENT BOARD
No.14/3, II FLOOR
RASHTROTHANA PARISHAD BUILDING
NRUPATHUNGA ROAD
BENGALURU-560 001
KARNATAKA
REPTD BY ITS EXECUTIVE MEMBER
4. MYSURU IT SOLUTIONS PRIVATE LIMITED
A COMPANY INCORPORATED UNDER THE
PROVISIONS OF THE COMPANIES ACT, 1956
HAVING ITS OFFICE AT: 619/H
36TH CROSS, RAJAJINAGAR
BENGALURU-560 010
KARNATAKA
REPRESENTED BY ITS MANAGING DIRECTOR/
CHAIRMAN MR.G.DAYANANDA
5. M. S. NIRMALA
D/O L.B. CHUNCHAPPA
SINCE DECEASED BY LRS
- 5A. N.P. CHANDRASEKHARAIHAH
HUSBAND OF LATE M S NIRMALA
S/O PUTTEGOWDA
- 5B. NIDSALE CHANDRASEKHARAIHAH MOHAN
S/O N.P. CHANDRASHEKHARAIHAH
- 5C. LAKSHMAN N.C.
S/O N.P. CHANDRASHEKHARAIHAH
- R-5A TO R-5C ARE
R/AT No.1022, 25TH MAIN
14TH CROSS, NEAR KIMS COLLEGE
BSK II STAGE, BENGALURU
KARNATAKA - 560 070

...RESPONDENTS

(BY SRI. VIKAS RAJIPURA, AGA FOR R1
SRI. K. SHASHI KIRAN SHETTY, SENIOR COUNSEL A/W.
SRI. P.V. CHANDRASHEKAR AND
MISS. SMRUTHI G., ADVOCATES FOR R2 AND R3

R5(A) AND R5(C) ARE SERVED BUT UNREPRESENTED
SRI. KIRAN KASHYAP S., ADVOCATE FOR R5(B)
SRI. D.R. RAVISHANKAR, SENIOR COUNSEL FOR
SRI. SARAVANA S., ADVOCATE FOR C/R4)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT PRAYING TO (a) CALL FOR RECORDS IN W.P.No.8214/2017 AND (b) ALLOW THIS APPEAL AND SET ASIDE THE ORDER DATED 01.08.2022 PASSED BY THE LEARNED SINGLE JUDGE IN W.P.No.8214/2017 SO FAR AS REJECTION OF PLEA IF LAPSING OF THE ACQUISITION AND SUBSEQUENTLY GRANT THE RELIEF CLAIMED BY THE APPELLANTS IN W.P.No.8214/2017 AND ETC.

IN W.A.No.1110 OF 2022:
& W.A.No.896/2024:
& W.A.No.897/2024:
BETWEEN:

- 1 . MYSORE IT SOLUTIONS (P) LIMITED
OFFICE AT No.619/H, 36TH CROSS
II BLOCK, NEAR ESI HOSPITAL
RAJAJINAGAR, BENGALURU-560 001
REPT BY ITS MANAGING DIRECTOR
SRI. DAYANANDA
S/O LATE T. GIRIYAPPA
AGED ABOUT 54 YEARS
- 2 . MYSORE IT SOLUTIONS PRIVATE LIMITED
OFFICE AT No.619/H
36TH CROSS, II BLOCK
NEAR ESI HOSPITAL, RAJAJINAGAR
BENGALURU-560 001
- 3 . MYSORE IT SOLUTIONS PRIVATE LIMITED
OFFICE AT No.619/H, 36TH CROSS
II BLOCK, NEAR ESI HOSPITAL
RAJAJINAGAR, BENGALURU-560 001
REP. BY ITS MANAGING DIRECTOR
SRI. DAYANANDA
S/O LATE T. GIRIYAPPA
AGED ABOUT 54 YEARS

...APPELLANTS

(BY SRI. D.R. RAVISHANKAR, SENIOR COUNSEL FOR
SRI. SARAVANA S., ADVOCATE)

AND:

VENKATARAMANA @ VENKATARAMANAPPA
S/O LATE GANGAPPA
AGED ABOUT 78 YEARS
R/AT. No. 160, SY No.24
KADUBEESANAHALLI VILLAGE
VARTHUR HOBLI, BENGALURU EAST TALUK
BENGALURU-560 087
SINCE DEAD BY LRS

- 1 . SRI. V. SRINIVAS
S/O LATE SRI VENKATARAMANA
AGED ABOUT 55 YEARS
R/AT No. 161, (IN SY No. 24)
KADUBEESANAHALLI VILLAGE
VARTHURU HOBLI
BENGALURU EAST TALUK
BENGALURU - 560087
- 2 . SMT. VENKATALAKSHMI
D/O LATE SRI VENKATARAMANA
AGED ABOUT 58 YEARS
R/AT. No.119, KARIYAMMANA AGRAHARA
BELANDUR POST
BENGALURU- 560103
3. V. MUNIYAPPA
S/O SHI. VENKATARAMANA @
VENKATARAMANAPPA
AGED ABOUT 60 YEARS
R/A No. 163, IN SY No.24,
KADUBEESANAHALLI VILLAGE
VARTHUR HOBLI
BENGALURU EAST TALUK
BENGALURU - 560087
- 4 . SRI. SHANKARAPPA
S/O SRI VENKATARAMANA
@ VENKATARAMANAPPA
AGED ABOUT 54 YEARS

R/A No. 159, SY No.24,
KADUBEESANAHALLI VILLAGE
VARTHUR HOBLI
BENGALURU EAST TALUK
BENGALURU - 560 087

- 5 . SRI. SATHISH RAO
S/O SHRI RAJARAM
AGED ABOUT 47 YEARS
R/AT. 147, IN SY No.24
KADUBEESANAHALLI VILLAGE
VARTHUR HOBLI
BENGALURU EAST TALUK
BENGALURU - 560 087
- 6 . THE STATE OF KARNATAKA
DEPARTMENT OF INDUSTRIES AND COMMERCE
VIDHANA VEEDHI
BENGALURU-560 001
REP BY ITS SECRETARY
- 7 . THE KARNATAKA INDUSTRIAL AREA
DEVELOPMENT BOARD (KIADB)
OFFICE AT No.14/3, 2ND FLOOR
RASTROTHANA PARISHAD BUILDING
NRUPATHUNGA ROAD
BENGALURU - 560 001
BY ITS EXECUTIVE MEMBER
- 8 . THE SPECIAL LAND ACQUISITION OFFICER
KARNATAKA INDUSTRIAL AREA DEVELOPMENT
BOARD COMPLEX, 14TH CROSS
PEENYA 2ND STAGE
BENGALURU - 560058
- 9 . SMT. MANJULA
D/O LATE SRI VENKATARAMANA
AGED MAJOR
R/A No.162
KADUBISANAHALLI, BELANDUR POST
BENGALURU - 560103

- 10 . SRI. V. SRINIVAS
S/O LATE SRI. VENAKTARAMANA
AGED 52 YEARS
R/AT. 161, (IN SY. No.24)
KADUBEESANAHALLI VILLAGE
VARTHURU HOBLI
BENGALURU EAST TALUK
BENGALURU-560 103

- 11 . THE STATE OF KARNATAKA
DEPARTMENT OF INDUSTRIES
AND COMMERCE
VIDHANA VEEDHI
BENGALURU- 560 001
REP BY ITS SECRETARY

- 12 . THE KARNATAKA INDUSTRIAL AREA
DEVELOPMENT BOARD (KIADB)
OFFICE AT No.14/3, 2ND FLOOR
RASHTROTHANA PARISHAD BUILDING
NRUPATHUNGA ROAD
BENGALURU - 560 001
BY ITS EXECUTIVE MEMBER

- 13 . THE SPECIAL LAND ACQUISITION OFFICER
KARNATAKA INDUSTRIAL AREA
DEVELOPMENT BOARD COMPLEX
14TH CROSS, PEENYA 2ND STAGE
BENGALURU-560 058

M.S. NIRMALA
D/O L.B. CHUNCHAPPA
SINCE DECEASED BY HER LR'S

- 14 . N.P. CHANDRASHEKARAI AH
H/O LATE M.S. NIRMALA
S/O PUTTEGOWDA
AGED MAJOR
SY No.23/4, KADUBISENAHALLI ROAD
KARIYAMMANA AGRAHARA ROAD
BENGALURU-560 103

- 15 . NIDSALE CHANDRASHEKHARAI AH MOHAN
S/O N.P. CHANDRASHEKHARAI AH
AGED MAJOR
R/AT SY No.23/4
KADUBISENAHALLI ROAD
KARIYAMMANA AGRAHARA ROAD
BENGALURU-560 103
- 16 . LAKSHMAN N.C.
S/O N.P. CHANDRASHEKHARAI AH
AGED MAJOR
SY No.23/4, KADUBISENAHALLI ROAD
KARIYAMMANA AGRAHARA ROAD
BENGALURU-560 103
- 17 . MR. NANJUNDAIAH
S/O LATE L.B. CHUNCHAPPA
AGED MAJOR
R/AT No.23/4, KADUBISENAHALLI ROAD
KARIYAMMANA AGRAHARA ROAD
BELLANDUR POST
BENGALURU-560 037
- MR. HARISH
SINCE DEAD BY HIS LR'S
- 18 . MRS. C. VIJAYALAKSHMI
W/O LATE HARISH
AGED MAJOR
R/AT.23/4, KADUBISENAHALLI ROAD
KARIYAMMANA AGRAHARA ROAD
BELLANDUR POST
BENGALURU-560 037
- 19 . MS. H. SHWETHA
D/O LATE HARISH
AGED MAJOR
R/AT. 23/4, KADUBISENAHALLI ROAD
KARIYAMMANA AGRAHARA ROAD
BELLANDUR POST
BENGALURU-560 037
- 20 . MS. H VINUTHA
D/O LATE HARISH

AGED MAJOR
R/AT, SY No.23/4
KADUBISENAHALLI ROAD
KARIYAMMANA AGRAHARA ROAD
BELLANDUR POST
BENGALURU-560 037

21 . MR. H. BHARATH
S/O LATE HARISH
AGED MAJOR
R/AT SY No.23/4
KADUBISENAHALLI ROAD
KARIYAMMANA AGRAHARA ROAD
BELLANDUR POST
BENGALURU-560 037

22 . MRS. NALINI
D/O LATE L.B. CHUNCHAPPA
AGED MAJOR
R/AT SY No.23/4,
KADUBISENAHALLI ROAD
KARIYAMMANA AGRAHARA ROAD
BELLANDUR POST
BENGALURU-560 037

MR. PANCHALINGASWAMY
S/O LATE L.B. CHUNCHAPPA
SINCE DEAD, BY HIS LR'S

23 . MRS. PUSHA H P
W/O LATE PANCHALINGASWAMY C.
AGED ABOUT 61 YEARS
R/AT No.3/4,
CHANDANA KADUBISENAHALLI ROAD
KARIYAMMANA AGRAHARA ROAD
BENGALURU-560 103

24 . MISS. BHANUSHREE M.P.
D/O LATE PANCHALINGASWAMY C.
AGED ABOUT 37 YEARS
R/AT No.3/4
CHANDANA KAUBISENAHALLI ROAD
KARIYAMMANA AGRAHARA ROAD

BENGALURU-560 103

- 25 . MR. NAGARAJ
S/O BASAVIAH
AGED MAJOR
R/AT No.23/4
KADUBISENAHALLI ROAD
KARIYAMMANA AGRAHARA ROAD
BELLANDUR POST
BENGALURU-560 037
- 26 . MASTERO HOTELS AND
RESORTS PRIVATE LIMITED
A COMPANY INCORPORATED
UNDER THE PROVISIONS OF THE
COMPANIES ACT, 1956
HAVING ITS OFFICE AT
No.9 AND 10
CHOWDAPPA ROAD
BENGALURU-560 025
KARNATAKA
REP BY ITS DGM
MR. ASHWIN AANCHITI
- 27 . THE STATE OF KARNATAKA
DEPARTMENT OF INDUSTRIES
AND COMMERCE
VIDHANA VEEDHI
BENGALURU-560 001
REP BY ITS SECRETARY
- 28 . THE SPECIAL LAND ACQUISITION OFFICER
KARNATAKA INDUSTRIAL AREA
DEVELOPMENT BOARD COMPLEX
14TH CROSS
PEENYA 2ND STAGE
BENGALURU-560 058
- 29 . THE KARNATAKA INDUSTRIAL AREA
DEVELOPMENT BOARD (KIADB)
OFFICE AT No.14/3
2ND FLOOR

RASHTROTHANA PARISHAD BUILDING
NRUPATHUNGA ROAD
BENGALURU-560 001
BY ITS EXECUTIVE MEMBER

...RESPONDENTS

(BY SRI. MANMOHAN P.N., ADVOCATE FOR R-1 IN
WA No.896/2024 AND FOR R2, R4 & R5 IN WA No.1110/2022;
R3 - DECEASED;
SRI. VIKAS RAJIPURA, AGA FOR R6 IN WA No.1110/2022, R2
IN WA No.896/2022, R14 IN WA No.897/2024;
SMT. V. MRUDULA, ADVOCATE FOR R9 IN WA No.1110/2022;
SRI. V. LAKSHMINARAYANA, SENIOR COUNSEL FOR
SRI. VIKRAM BALAJI AND
SRI. ASHWIN KUMAR H., ADVOCATES FOR R4 AND R10 TO
R13 IN WA No.897/2024;
SRI. K. SHASHI KIRAN SHETTY, SENIOR COUNSEL A/W.
SRI. P.V. CHANDRASHEKAR AND
MISS. SMRUTHI G., ADVOCATES FOR R7, R8, R12, R13, R28
AND R29)

THESE WRIT APPEALS ARE FILED UNDER SECTION 4 OF THE
KARNATAKA HIGH COURT ACT, PRAYING TO SET ASIDE THE
ORDER OF THE LEARNED SINGLE JUDGE PASSED BY THE COMMON
ORDER DATED 01.08.2022 PASSED BY THE LEARNED SINGLE
JUDGE IN WP No.5916/2017 C/W WP No.7980/2017 WP
No.8214/2017 (LA-KIADB) AND BEING AGGRIEVED TO THE
EXTENT OF ORDER IT DIRECTS TO DISBURSE COMPENSATION IN
RESPECT OF THE SUBJECT LANDS UNDER THE RIGHT TO FAIR
COMPENSATION TRANSPARENCY AND RESETTLEMENT AND
REHABILITATION ACT, 2013 AND ETC.

IN W.A.NO.1146 OF 2022:

BETWEEN:

VENKATARAMANA @ VENKATARAMANAPPA
S/O LATE GANGAPPA, SINCE DEAD, BY LR'S

- 1 . SRI. V. SRINIVAS
S/O LATE SRI. VENKATARAMANA
AGED ABOUT 51 YEARS
R/AT No.161, (IN SY No.24)
KADUBEE SANAHALLI VILLAGE

VARTHUR HOBLI
BENGALURU EAST TALUK
BENGALURU-560 087

2 . SMT. VENKATALAKSHMI
D/O LATE SRI. VENKATARAMANA
AGED ABOUT 54 EYARS
R/AT. No.199, KARIYAMMANA AGRAHARA
BELANDUR POST
BENGALURU-560 103

3 . V. MUNIYAPPA
S/O SRI. VENKATARAMANA @
VENKATARAMANAPPA
SINCE DECEASED, BY LR'S

3A. SMT. MANJULA T.
W/O V. MUNIYAPPA
AGED ABOUT 55 YEARS

3B. RAGHUPATHY M.
S/O V. MUNIYAPPA
AGED ABOUT 33 YEARS

3C. PRASANNA KUMAR M.
S/O LATE V. MUNIYAPPA
AGED ABOUT 35 YEARS

R3A TO R3C ARE R/AT No.24/164
MUNIYAPPA BUILDING
KADUBISANAHALLI
KARIYAMMA AGRAHARA MAIN ROAD
NEAR NCC APARTMENT
BELLANDUR POST
BENGALURU-560 103

4 . SHANKARAPPA
S/O SRI. VENKATARAMANA
AGED ABOUT 53 YEARS
R/AT No.159, (IN SY No.24)
KADUBEESANAHALLI VILLAGE
VARTHUR HOBLI

BENGALURU EAST TALUK
BENGALURU-560 087

- 5 . SATISH RAO
S/O SRI. RAJARAM
AGED ABOUT 46 YEARS
R/AT. No.147, IN SY. No.24
KADUBEESANAHALLI VILLAGE
VARTHUR HOBLI
BENGALURU EAST TALUK
BENGALURU-560 087

...APPELLANTS

(BY SRI. MANMOHAN P.N., ADVOCATE)

AND:

- 1 . THE STATE OF KARNATAKA
DEPARTMENT OF INDUSTRIES AND COMMERCE
VIDHANA VEEDHI
BENGALURU-560 001
REPRESENTED BY ITS SECRETARY
- 2 . THE KARNATAKA INDUSTRIAL AREA
DEVELOPMENT BOARD (KIADB)
OFFICE AT No.14/3, 2ND FLOOR
RASHTROTHANA PARISHAD BUILDING
NRUPATHUNGA ROAD
BENGALURU-1
BY ITS EXECUTIVE MEMBER
- 3 . THE SPECIAL LAND ACQUISITION OFFICER
KARNATAKA INDUSTRIAL AREA
DEVELOPMENT BOARD COMPLEX
14TH CROSS, PEENYA 2ND STAGE
BENGALURU-560 058
- 4 . MYSORE IT SOLUTIONS PRIVATE LIMITED
OFFICE AT No.619/H
36TH CROSS, II BLOCK
NEAR ESI HOSPITAL
RAJAJINAGAR
BENGALURU-560 001

5 . SMT. MANJULA
D/O LATE SRI. VENKATARAMANA
R/AT No.162, KADUBISANAHALLI
BELANDUR POST
BENGALURU-560 103

...RESPONDENTS

(BY SRI. VIKAS RAJIPURA, AGA FOR R-1;
SRI. K. SHASHI KIRAN SHETTY, SENIOR COUNSEL A/W.
SRI. P.V. CHANDRASHEKAR AND
MISS. SMRUTHI G., ADVOCATES FOR R-2 & R-3;
SRI. D.R. RAVISHANKAR, SENIOR COUNSEL FOR
SRI. SARAVANA S., ADVOCATE FOR R-4;
SMT. V. MRUDULA, ADVOCATE FOR R-5)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT, PRAYING TO ALLOW THIS WRIT APPEAL AND SET ASIDE THE ORDER DATED 01.08.2022 PASSED BY THE LEARNED SINGLE JUDGE IN THE WRIT PETITION No.5916/2017 PARTLY DISMISSING THE WRIT PETITION AND CONSEQUENTLY ALLOW WRIT PETITION No.5916/2017 IN ITS ENTIRETY AND ETC.

IN W.A.NO.1176 OF 2022:

BETWEEN:

1 . SMT. ANURADHA BHARATH
W/O. VISHNU BHARATH,
AGED ABOUT 63 YEARS,
R/O No.450, 7TH MAIN ROAD,
4TH BLCOK, JAYANAGAR,
BENGALURU - 560 011.

2 . SRI. CHETHAN BHARATH
S/O. VISHNU BHARATH,
AGED ABOUT 34 YEARS,
R/O. No.450, 7TH MAIN ROAD,
4TH BLCOK, JAYANAGAR,
BENGALURU - 560 011.

...APPELLANTS

(BY SRI. P. MAHESHA, ADVOCATE)

AND:

- 1 . KARNATAKA INDUSTRIAL AREA
DEVELOPMENT BOARD
REPRESENTED BY ITS CHAIRMAN,
(KIADB), NRUPATHUNGA ROAD,
BENGALURU-560009.
- 2 . THE SPECIAL LAND ACQUISITION OFFICER
KARNATAKA INDUSTRIAL AREA
DEVELOPMENT BOARD (KIADB)
NRUPATHUNGA ROAD,
BENGALURU-560009.
- 3 . THE STATE OF KARNATAKA
REPRESENTED BY ITS SECRETARY,
DEPARTMENT OF COMMERCE AND INDUSTRY
VIKAS SOUHDA
BENGALURU-560001
- 4 . NANDI INFRASTRUCTURE CORRIDOR
ENTERPRISES LIMITED
No.1, MIDFORD HOUSE,
MIDFORD GARDEN OFF, M.G.ROAD,
BENGALURU-560 001
BY ITS MANAGER

...RESPONDENTS

(BY SRI. B.B. PATIL, ADVOCATE FOR R-1 AND R-2
SRI. VIKAR RAJIPURA, AGA FOR R-3
SRI. NITIN PRASAD, ADVOCATE FOR R-4)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT, PRAYING TO (i) MODIFY THE IMPUGNED ORDER OF THE LEARNED SINGLE JUDGE OF THIS HON'BLE COURT DIRECTING THE RESPONDENT AUTHORITY TO THE PASS THE AWARD UNDER NEW ENACTMENT RIGHT TO FAIR COMPENSATION AND TRANSPARENCY IN LAND ACQUISITION, REHABILITATION AND RESETTLEMENT ACT, 2013 AND PAY THE COMPENSATION TO APPELLANTS FOR THE LAND BEARING Sy.No-58/1 TO AN EXTENT OF 1 ACRE 14 GUNTAS, Sy.No-60/2 TO AN EXTENT OF 2 ACRES 34 GUNTAS, IN Sy.No-245 TO AN EXTENT OF 1 ACRE 10 GUNTAS TOTAL TO AN EXTENT OF 5 ACRE 18 GUNTAS

SITUATED AT B.M. KAVAL VILLAGE, KENGERI HOBLI, BENGALURU DISTRICT AND ETC.

IN W.A.NO.1198 OF 2022:
BETWEEN:

SRI. V. SRINIVAS
S/O. SRI VENKATARAMANA
AGED ABOUT 52 YEARS
R/AT No.161, (IN SY No.24)
KADUBEESANAHALLI VILLAGE
VARTHUR HOBLI
BENGALURU EAST TALUK
BENGALURU-560 087

...APPELLANT

(BY SRI. MANMOHAN P.N., ADVOCATE)

AND:

- 1 . THE STATE OF KARNATAKA
DEPARTMENT OF INDUSTRIES AND COMMERCE
VIDHANA VEEDHI
BANGALORE-560 001
REPRESENTED BY ITS SECRETARY
- 2 . THE KARNATAKA INDUSTRIAL AREA
DEVELOPMENT BOARD (KIADB)
OFFICE, AT No.14/3, 2ND FLOOR
RASHTROTHANA PARISHAD BUILDING
NRUPATHUNGA ROAD
BENGALURU -560 001
BY ITS EXECUTIVE MEMBER
- 3 . THE SPECIAL LAND ACQUISITION OFFICER
KARNATAKA INDUSTRIAL AREA
DEVELOPMENT BOARD COMPLEX
14TH CROSS, PEENYA 2ND STAGE
BENGALURU - 560 058
- 4 . MYSORE IT SOLUTIONS PRIVATE LIMITED
OFFICE AT No.619/H, 36TH CROSS
II BLOCK, NEAR ESI HOSPITAL
RAJAJINAGAR

BENGALURU-560 001

...RESPONDENTS

(BY SRI. VIKAS RAJIPURA, AGA FOR R-1
SRI. K. SHASHI KIRAN SHETTY, SENIOR COUNSEL A/W.
SRI. P.V. CHANDRASHEKAR AND
MISS. SMRUTHI G., ADVOCATES FOR R-2 AND R-3
SRI. D.R. RAVISHANKAR, SENIOR COUNSEL FOR
SRI. SARAVANA S., ADVOCATE FOR R-4)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT, PRAYING TO (i) ALLOW THIS WRIT APPEAL AND SET ASIDE THE ORDER DATED 01.08.2022 PASSED IN WP No.7980/2017 IN SO FAR AS PARTLY DISMISSING THE WRIT PETITION AND CONSEQUENTLY ALLOW WRIT PETITION NO.7980/2017 IN ITS ENTIRETY AND ETC.

IN W.A.NO.100388 OF 2022:
BETWEEN:

- 1 . THE KARNATAKA INDUSTRIAL AREAS
DEVELOPMENT BOARD
REP. BY ITS CHIEF EXECUTIVE OFFICER
No.14/3, 2ND FLOOR
R.P. BUILDING
NRUPATHUNGA ROAD
BENGALURU-560 001
PRESENTLY AT:
49, 4TH AND 5TH FLOORS
'EAST WING', KHANIJA BHAVAN
RACE COURSE ROAD
BENGALURU-560 001
- 2 . THE SPECIAL LAND ACQUISITION OFFICER
THE KARNATAKA INDUSTRIAL AREAS
DEVELOPMENT BOARD
ZONAL OFFICE
KARUR INDUSTRIAL AREA
PLOT No.CA(1-B)
P.B. ROAD, DAVANAGERE-577 006

...APPELLANTS

(BY SRI. VEERESH R BUDIHAL, ADVOCATE)

AND:

- 1 . B. RAVIPRAKASH
S/O LATE B. BASAPPA
AGE 54 YEARS
R/AT. "VISHNU PRIYA"
6TH CROSS, LEFT SIDE
KAPPAGAL ROAD
M.V. NAGAR
BELLARY-583 101

- 2 . SMT. C. SUJATHA
W/O DR. C.C. PULLAIAH
AGE: MAJOR
R/AT. No.21, 2247-39
CHEKURI NURSING HOME
"O" ROAD, S.K.D. COLONY
ADONI POST
ANDHRA PRADESH

- 3 . VANTI KURI BASAPPA
S/O BARMAPPA
AGE: 62 YEARS
R/AT. VODDU POST
SANDUR TALUK
BELLARY DISTRICT
BELLARY

- 4 . THE STATE OF KARNATAKA
DEPARTMENT OF COMMERCE
AND INDUSTRIES
VIKAS SOUDHA
BENGALURU-560 001
REPRESENTED BY ITS SECRETARY

- 5 . DEPUTY COMMISSIONER
BALLARI DISTRICT
BALLARI-583 101

- 6 . THE ASSISTANT MANAGER
M/S. ARCELOR MITTAL INDIA CO. LTD.
DOOR No.21-A
Y. NAGESH SHASTRY ROAD

PARVATHINAGAR
OPP TO K.C. KONDAYYA HOUSE
BALLARI-583 101

...RESPONDENTS

(BY SRI. HAREESH BHANDARY T., ADVOCATE FOR R1 AND R2;
R-3 IS SERVED BUT UNREPRESENTED
SRI. VIKAS RAJIPURA, AGA FOR R4 AND R5
SRI. D.L.N. RAO, SENIOR COUNSEL FOR
SRI. NITIN PRASAD & SRI. VIDUR NAIR, ADVOCATES FOR R6)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF KARNATAKA HIGH COURT ACT, 1961, PRAYING THIS HON'BLE COURT TO (a) CALL FOR THE RECORDS PERTAINING TO WRIT PETITION No.107748/2014 FILED BY THE RESPONDENTS No.1 TO 3 HEREIN BEFORE THE LEARNED SINGLE JUDGE OF THIS HON'BLE COURT, (b) SET ASIDE THE ORDER DATED 18.07.2022 PASSED BY THE LEARNED SINGLE JUDGE OF THIS HON'BLE COURT IN WRIT PETITION Nos.107748/2014 (LA-KIADB) AND FURTHER TO DISMISS THE SAID WRIT PETITION AND ETC.

IN W.A.NO.100392 OF 2022:
BETWEEN:

A.M. ASSOCIATES INDIA PRIVATE LIMITED
A COMPANY INCORPORATED UNDER
THE COMPANIES ACT, 1956 AND
HAVING ITS REGISTERED OFFICE AT
CHALET No.29, B WING
17TH FLOOR, MONDEAL HEIGHTS
NOVOTEL HOTEL, S.G. HIGHWAY
AHMEDABAD, GUJARAT
INDIA-380 015
REP. HEREIN BY ITS AUTHORISED SIGNATORY
MR. RAMESH K.

...APPELLANT

(BY SRI D.L.N. RAO, SENIOR COUNSEL FOR
SRI. NITIN PRASAD AND SRI. VIDUR NAIR, ADVOCATES)

AND:

1 . B. RAVIPRAKASH
S/O LATE B. BASAPPA
AGED 46 YEARS

RESIDING AT "VISHNU PRIYA"
6TH CROSS, LEFT SIDE
KAPPAGAL ROAD
M.V. NAGAR
BELLARY-583 101

- 2 . SMT. C. SUJATHA
W/O DR. C.C. PULLAIAH
AGED MAJOR
RESIDING AT No.21, 2247-39
CHEKURI NURSING HOME
"O" ROAD, S.K.D. COLONY
ADONI POST
ANDHRA PRADESH
- 3 . VANTI KURI BASAPPA
S/O BARMAPPA
AGED 54 YEARS
RESIDING AT: VODDU POST
SANDUR TALUK
BELLARY DISTRICT
BELLARY-583 102
- 4 . STATE OF KARNATAKA
DEPARTMENT OF COMMERCE
AND INDUSTRIES
VIKAS SOUDHA
BENGALURU-560 001
REPRESENTED BY ITS SECRETARY
- 5 . THE KARNATAKA INDUSTRIAL AREAS
DEVELOPMENT BOARD
No.14/3, 2ND FLOOR
R.P. BUILDING
NRUPATUNGA ROAD
BENGALURU-560 001
REPRESENTED BY ITS
CHIEF EXECUTIVE OFFICER
- 6 . THE SPECIAL LAND ACQUISITION OFFICER
THE KARNATAKA INDUSTRIAL AREAS
DEVELOPMENT BOARD
ZONAL OFFICE

KARUR INDUSTRIAL AREA
PLOT No.CA(1-B), P.B. ROAD
DAVANAGERE-577 006

7 . DEPUTY COMMISSIONER
BELLARY DISTRICT
BELLARY - 583101

...RESPONDENTS

(SRI. HAREESH BHANDARY T., ADVOCATE FOR R-1 AND R-2;
VIDE ORDER DATED 18.12.2024, NOTICE TO R-3 IS
HELD SUFFICIENT;
SRI. VIKAS RAJIPURA, AGA FOR R-4 AND R-7;
SRI. VEERESH R. BUDIHAL, ADVOCATE FOR R-5 AND R-6)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF
KARNATAKA HIGH COURT ACT, 1961, READ WITH RULE 27 OF THE
WRIT PROCEEDING RULE, 1977, PRAYING TO SET ASIDE THE
IMPUGNED ORDER DATED 18.07.2022 PASSED IN
W.P.No.107748/2014 (LA-KIADB) AND PASS SUCH OTHER OR
FURTHER ORDERS AS THIS HON'BLE COURT MAY DEEM FIT IN THE
CIRCUMSTANCES OF THE CASE AND IN THE INTERESTS OF
JUSTICE AND EQUITY.

IN W.A.NO.100393 OF 2022:
BETWEEN:

A.M. ASSOCIATES INDIA PRIVATE LIMITED
A COMPANY INCORPORATED UNDER
THE COMPANIES ACT, 1956 AND
HAVING ITS REGISTERED OFFICE AT
CHALET No.29, B WING
17TH FLOOR, MONDEAL HEIGHTS
NOVOTEL HOTEL, S.G. HIGHWAY
AHMEDABAD, GUJARAT
INDIA-380 015
REPRESENTED HEREIN BY
ITS AUTHORISED SIGNATORY
MR. RAMESH K.

...APPELLANT

(BY SRI D.L.N. RAO, SENIOR COUNSEL FOR
SRI. NITIN PRASAD AND SRI. VIDUR NAIR, ADVOCATES)

AND:

- 1 . SREE. S. SHEENAPPA S/O
LATE S. VENKATAPPA
AGED 56 YEARS
OCC: AGRICULTURIST
R/O. 2ND WARD, KAMMA ONI
POST: KUDITINI
TALUK AND DISTRICT: BALLARI-583 102

2. SREE. S. NARAYANASWAMY
S/O. LATE S. VENKATAPPA
AGE 71 YEARS
OCC: AGRICULTURIST

3. SREE. KUMBARA MALLIAH
S/O LATE HANUMANTHAPPA
AGE 56 YEARS
OCC: AGRICULTURIST

4. SREE. GOTURU SHANMUKAPPA
S/O LATE AYYAPPA
AGE 71 YEARS
OCC: AGRICULTURIST

- R-2 TO R-4 ARE R/O. 2ND WARD
KAMMA ONI, POST: KUDITINI
TALUK AND DISTRICT: BALLARI - 583 102

5. SREE. UPPARU THIMMAPPA
S/O LATE HANUMANTHAPPA
AGE 58 YEARS
OCC: AGRICULTURIST
R/O. 7TH WARD
RAMANJUNAPPA JINNA
POST: KUDITINI
TALUK AND DISTRICT: BALLARI - 583 102

6. SREE. G.M. VIRUPANNA
SINCE DECEASED, BY LR

- 6A. SMT. BHAGYALAKSHMI
W/O LATE SRINIVAS
AGED 53 YEARS
RESIDENT OF KUDITINI TOWN
TALUK AND DISTRICT: BALLARI-583 115
7. SREE. KURUBARA VITLAPURA SOMAPPA
S/O LATE VITLAPURA HANUMANTHAPPA
AGE 53 YEARS; OCC: AGRICULTURIST
R/O. PINJARA ONI, POST: KUDITINI
TALUK AND DISTRICT: BALLARI-583 102
8. SMT. LALITHAMMA
W/O LATE CHIDANANDAPPA
AGED 58 YEARS
OCC: AGRICULTURIST
R/O. KAMMA'S ONI
POST: KUDITINI
TALUK AND DISTRICT: BALLARI-583 102
9. SMT. B. SATHYAVATHI
W/O B. RAMAMURTHY
AGE 54 YEARS
OCC: AGRICULTURIST
R/O. KAMMA'S ONI
POST: KUDITINI
TALUK AND DISTRICT: BALLARI-583 102
10. SREE. B. RAMAMURTHY
S/O LATE HANUMANTHAPPA
AGE 63 YEARS
OCC: AGRICULTURIST
R/O. KAMMA'S ONI
POST: KUDITINI
TALUK AND DISTRICT: BALLARI - 583 102
11. SREE. PRAKASH BABU
S/O B. HANUMANNA
AGE 50 YEARS
OCC: AGRICULTURIST
R/O. KAMMA'S ONI
POST: KUDITINI
TALUK AND DISTRICT: BALLARI-583 102

12. SREE. G. HAREESH
S/O LATE G. HANUMANTHAPPA
AGE 51 YEARS
OCC: AGRICULTURIST
R/O. SOMASHETTI ROAD
POST: KUDITINI
TALUK AND DISTRICT: BALLARI-583 102

13. SREE. ADIBASAPPA
S/O LATE MULLANGI DODDABASAPPA
AGE 53 YEARS
OCC: AGRICULTURIST
R/O. KAMMA'S ONI
POST: KUDITINI
TALUK AND DISTRICT: BALLARI-583 102

14. SMT. RAJESWARI
W/O LATE R. BASAVARAJ
AGE 63 YEARS
OCC: AGRICULTURIST
R/O. 4TH WARD
NEAR NARAYANASWAMY MATH
POST: KUDITINI
TALUK AND DISTRICT: BALLARI-583 102

15. SMT. THIMMAKKA
W/O LATE JADEPPA
AGE 69 YEARS
OCC: AGRICULTURIST
R/O. NEAR JAKKER BAVI
POST: KUDITINI
TALUK AND DISTRICT: BALLARI-583 102

16. H. GAVISIDDAPPA
S/O H. LINGANNA
AGE 78 YEARS
OCC: AGRICULTURIST
R/O. HARAGINADONI VILLAGE
POST: HARAGINADONI
TALUK AND DISTRICT: BALLARI-583 102

17. SMT. T. MEENAKSHAMMA
W/O LATE TITAGAL LOKANATHA
AGE 59 YEARS
OCC: HOUSE HOLD
R/O. RAGHAVENDRA COLONY
POST: KUDITINI
TALUK AND DISTRICT: BALLARI-583102

18. SREE. T. SUDHAKARA
S/O LATE TITAGAL LOKANATHA
AGE 41 YEARS
OCC: AGRICULTURE
R/O. RAGHAVENDRA COLONY
POST: KUDITINI
TALUK AND DISTRICT: BALLARI-583 102

19. V. GADILINGAPPA
S/O SREE. VITHLAPUR RAMANJINAPPA
AGE 55 YEARS
OCC: AGRICULTURE
R/O. NEAR DASARA GANDE
POST: KUDITINI
TALUK AND DISTRICT: BALLARI-583 102

20. V. HANUMAPPA
S/O SREE. VITHLAPUR RAMANJINAPPA
AGED 51 YEARS
OCC: AGRICULTURE
R/O. NEAR DASARA GANDE
POST: KUDITINI
TALUK AND DISTRICT: BALLARI-583 102

21. V. LAKSHMI
D/O. SREE VITHLAPUR RAMANJINAPPA
AGED 40 YEARS
OCC: HOUSE HOLD
R/O. NEAR DASARA GANDE
POST: KUDITINI
TALUK AND DISTRICT: BALLARI-583 102

22. V. SHARADA
D/O SREE. VITHLAPUR RAMANJINAPPA

AGE 38 YEARS
 OCC: HOUSE HOLD
 R/O. NEAR DASARA GANDE
 POST: KUDITINI
 TALUK AND DISTRICT: BALLARI-583 102

23. THE STATE OF KARNATAKA
 DEPARTMENT OF COMMERCE AND INDUSTRIES
 VIKASA SOUDHA
 BENGALURU-560 001
 REPRESENTED BY ITS SECRETARY

24. THE KARNATAKA INDUSTRIAL
 AREAS DEVELOPMENT BOARD
 No.14/3, 2ND FLOOR
 R.P. BUILDING, NRUPATUNGA ROAD
 BENGALURU-560 001
 REPRESENTED BY ITS
 CHIEF EXECUTIVE OFFICER

25. THE SPECIAL LAND ACQUISITION OFFICER
 THE KARNATAKA INDUSTRIAL AREAS
 DEVELOPMENT BOARD
 ZONAL OFFICE
 KARUR INDUSTRIAL AREA
 PLOT No.CA(1-B)
 P.B. ROAD, DAVANAGERE-577 006

26. DEPUTY COMMISSIONER
 BELLARY DISTRICT
 BELLARY-583 101

...RESPONDENTS

(BY SMT. SUNITA P. KALASOOR, ADVOCATE FOR R-1 TO R-3, R-5,
 R-6(A), R-7 TO R-15, R-17, R-19 TO R-21
 R-4 AND R-18 ARE SERVED BUT UNREPRESENTED
 R-16 DECEASED
 SRI. HAREESH BHANDARY T., ADVOCATE FOR R-22
 SRI. VIKAS RAJIPURA, AGA FOR R-23 AND R-26
 SRI. VEERESH R. BUDIHAL, ADVOCATE FOR R-24 AND R-25)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF KARNATAKA
 HIGH COURT ACT, 1961, READ WITH RULE 27 OF THE WRIT
 PROCEEDINGS RULE 1977 PRAYING TO SET ASIDE THE IMPUGNED

ORDER DATED 18.07.2022 PASSED IN W.P.NO.108802/2016 (LA-KIADB) AND PASS SUCH OTHER OR FURTHER ORDERS AS THIS HON'BLE COURT MAY DEEM FIT IN THE CIRCUMSTANCES OF THE CASE AND IN THE INTEREST OF JUSTICE AND EQUITY.

IN W.A.NO.100394 OF 2022:

BETWEEN:

A.M. ASSOCIATES INDIA PRIVATE LIMITED
A COMPANY INCORPORATED UNDER
THE COMPANIES ACT, 1956 AND
HAVING ITS REGISTERED OFFICE AT
CHALET NO.29, B WING,
17TH FLOOR, MONDEAL HEIGHTS,
NOVOTEL HOTEL, S.G. HIGHWAY,
AHMEDABAD, GUJARAT,
INDIA - 380015.
REPRESENTED HEREIN
BY ITS AUTHORISED SIGNATORY
MR. RAMESH K.,

...APPELLANT

(BY SRI D.L.N. RAO, SENIOR COUNSEL FOR
SRI. NITIN PRASAD AND
SRI. VIDUR NAIR, ADVOCATES)

AND

- 1 . SRI GURUDASA REDDY
S/O THIMMA REDDY
AGED 55 YEARS,
R/O. VEERANAGOUDA COLONY,
OPP. TO KUMARASWAMY TEMPLE,
BELLARI - 583 102.
- 2 . SMT. G JAYALAKSHMI
W/O SATHYANARAYAN REDDY
AGED ABOUT 57 YEARS,
R/O. D NO.17/13-A,
3RD CROSS, S N PET,
BELLARI - 583 102.
- 3 . SMT. P SUDAMANI
W/O SRINIVASA REDDY

AGED 47 YEARS,
R/O. D NO.15/A,
PATEL NAGAR,
1ST CROSS,
BELLARI-583102.

- 4 . STATE OF KARNATAKA
DEPARTMENT OF COMMERCE AND INDUSTRIES,
VIKAS SOUDHA,
BANGALORE 560001.
REPRESENTED BY IS SECRETARY
- 5 . THE KARNATAKA INDUSTRIAL AREAS
DEVELOPMENT BOARD
NO.14/3, 2ND FLOOR,
R P BUILDING,
NRUPATUNGA ROAD,
BANGALORE 560001.
REPRESENTED BY ITS
CHIEF EXECUTIVE OFFICER.
- 6 . THE SPECIAL LAND ACQUISITION OFFICER
THE KARNATAKA INDUSTRIAL AREAS
DEVELOPMENT BOARD,
LAKAMANAHALLI INDUSTRIAL AREA,
P B ROAD, DHARWAD
- 7 . THE SPECIAL LAND ACQUISITION OFFICER
THE KARNATAKA INDUSTRIAL AREAS
DEVELOPMENT BOARD,
ZONAL OFFICE,
KARUR INDUSTRIAL AREA,
PLOT NO.CA(1-B), P B ROAD,
DAVANAGERE-577006
- 8 . THE SPECIAL LAND ACQUISITION OFFICER
NATIONAL HIGHWAY AUTHORITY OF INDIA,
HOSAPETE,
NO.1032(A),
NEAR SAI AND HARIPRIYA APARTMENT,
RAJEEVNAGAR,
HOSAPETE,
DIST. BELLARI

9 . DEPUTY COMMISSIONER
BELLARY DISTRICT,
BELLARY 583101.

...RESPONDENTS

(BY SMT. SUNITA P. KALASOOR, ADVOCATE FOR R-1 TO R-3,
SRI. VIKAS RAJIPURA, AGA FOR R-4 AND R-9
SRI. VEERESH R. BUDIHAL, ADVOCATE FOR R-5 TO R-8)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF KARNATAKA HIGH COURT ACT, 1961, READ WITH RULE 27 OF THE WRIT PROCEEDING RULE 1977 PRAYING TO SET ASIDE THE IMPUGNED ORDER DATED 18.07.2022 PASSED IN W.P.NO.100762/2017 (LA-KIADB) AND PASS SUCH OTHER OR FURTHER ORDERS AS THIS HON' BLE COURT MAY DEEM FIT IN THE CIRCUMSTANCES OF THE CASE AND IN THE INTEREST OF JUSTICE AND EQUITY.

IN W.A.NO.100143 OF 2023:
BETWEEN

- 1 . THE KARNATAKA INDUSTRIAL AREAS
DEVELOPMENT BOARD
REP BY ITS CHIEF EXECUTIVE OFFICER
NO. 14/3, 2ND FLOOR R.P BUILDING
NRUPATHUNGA ROAD, BENGALURU- 560001.
PRESENTLY AT NO.49, 4TH & 5TH FLOORS,
EAST WING, KHANIJA BHAVAN,
RACECOURSE ROAD
BENGALURU - 560 001.
2. THE SPECIAL LAND ACQUISITION OFFICER
THE KARNATAKA INDUSTRIAL AREAS
DEVELOPMENT BOARD,
ZONAL OFFICE,
KARUR INDUSTRIAL AREA,
PLOT NO.CA(1-B), P B ROAD,
DAVANAGERE-577006.

...APPELLANTS

(BY SRI. VEERESH R BUDIHAL, ADVOCATE)

AND:

1 . SREE S SHEENAPPA
S/O LATE S VENKATAPPA
AGE. 56 YEARS,
OCC. AGRICULTURIST
R/O. 2ND WARD, KAMMA ONI
POST . KUDITINI
TQ AND DIST BALLARI

2. SREE S. NARAYANASWAMY
S/O. LATE S. VENKATAPPA
AGED ABOUT 71 YEARS
OCC: AGRICULTURIST

3. SREE KUMBARA MALLAIAH
S/O. LATE HANUMANTHAPPA
AGED ABOUT 62 YEARS
OCC: AGRICULTURIST

R-2 TO R3 ARE R/O. 2ND WARD,
KAMMA ONI
POST: KUDITINI
TALUK AND DISTRICT
BALLARI - 583 102.

4. SREE GOTURU SHANMUKAPPA
S/O. LATE AYYAPPA
AGED 71 YEARS
OCC: AGRICULTURIST
R/O. NEAR SANGANABAVI
POST: KUDITINI
TALUK AND DISTRICT
BALLARI - 583 102

5. SREE UPPARU THIMMAPPA
S/O. LATE HANUMANTHAPPA
AGED ABOUT 64 YEARS
OCC: AGRICULTURIST
R/O. 7TH WARD
RAMANJUNAPPA JINNA
POST: KUDITINI
TALUK AND DISTRICT

BALLARI - 583 102

6. G.M. VIRUPANNA
S/O. VENKATAPPA
AGED 96 YEARS
OCC: AGRICULTURIST
R/O. NEAR DASARA SHESHAPPA HOUSE
KAMMA'S ONI
POST: KUDITINI
TALUK AND DISTRICT
BALLARI - 583 102
7. SREE KURUBARA VITLAPURA SOMAPPA
S/O. LATE VITLAPURA HANUMANTHAPPA
AGED 59 YEARS
OCC. AGRICULTURIST
R/O. PINJARA ONI
POST: KUDITINI
TALUK AND DISTRICT
BALLARI - 583 102
8. SMT. LALITHAMMA
W/O. LATE CHIDANANDAPPA
AGED 64 YEARS
OCC: AGRICULTURIST
R/O. KAMMA'S ONI
POST: KUDITINI
TALUK AND DISTRICT
BALLARI - 583 102
9. SMT. B. SATHYAVATHI
W/O. B. RAMAMURTHY
AGED ABOUT 60 YEARS
OCC: AGRICULTURIST
R/O. KAMMA'S ONI
POST: KUDITINI
TALUK AND DISTRICT
BALLARI - 583 102
10. SREE B. RAMAMURTHY
S/O. LATE HANUMAPPA
AGED ABOUT 69 YEARS

OCC: AGRICULTURIST
R/O. KAMMA'S ONI
POST: KUDITINI
BALLARI - 583 102

11. SREE PRAKASH BABU
S/O. B. HANUMANNA
AGED ABOUT 56 YEARS
OCC: AGRICULTURIST
R/O. KAMMA'S ONI
POST: KUDITINI
TALUK AND DISTRICT
BALLARI - 583 102
12. SREE G. HAREESH
S/O. LATE G. HANUMANTHAPPA
AGED 57 YEARS
OCC: AGRICULTURIST
R/O. SOMASHETTI ROAD
POST: KUDITINI
BALLARI - 583 102
13. SREE ADIBASAPPA
S/O. LATE MULLANGI DODDABASAPPA
AGED 59 YEARS
OCC: AGRICULTURIST
R/O. KAMMA'S ONI
POST: KUDITINI
TALUK AND DISTRICT
BALLARI - 583 102
14. SMT. RAJESWARI
LATE R. BASAVARAJ
AGED 69 YEARS
OCC: AGRICULTURIST
R/O. 4TH WARD
NEAR NAYANASWAMY MATH
POST: KUDITINI
TALUK AND DISTRICT
BALLARI - 583 102

15. SMT. THIMMAKKA
W/O. LATE JADEPPA
AGED 75 YEARS
OCC: AGRICULTURIST
R/O. NEAR JAKKER BAVI
POST: KUDITINI
BALLARI-583102

16. H. GAVIDSIDDAPPA
S/O. H. LINGANNA
AGED ABOUT 84 YEARS
OCC: AGRICULTURIST
R/O. HARAGINADINI VILLAGE
POST: HARAGINADONI
TALUK AND DISTRICT
BALLARI - 583 102

17. SMT. T. MEENAKSHAMMA
W/O. LATE TITAGAL LOKANATHA
AGED 65 YEARS
OCC: HOUSE HOLD
R/O. RAGHAVENDRA COLONY
POST: KUDITINI
TALUK AND DISTRICT
BALLARI-583102

18. SREE T. SUDHAKARA
S/O. LATE TITAGAL LOKANATHA
AGED 47 YEARS
OCC: AGRICULTURE
R/O. RAGHAVENDRA COLONY
POST: KUDITINI
TALUK AND DISTRICT
BALLARI - 583 102

19. V. GADILINGAPPA
S/O. SREE VITHLAPUR RAMANJINAPPA
@ RAMANJINEYYA
AGED 61 YEARS, OCC: AGRICULTURE
R/O. NEAR DASARA GANDE
POST: KUDITINI
TALUK AND DISTRICT
BALLARI - 583 102.

20. V. HANUMAPPA
S/O. SREE VITHLAPUR RAMANJINAPPA
@ RAMANJINEYYA
AGED 57 YEARS
OCC: AGRICULTURE
R/O. NEAR DASARA GANDE
POST: KUDITINI
TALUK AND DISTRICT
BALLARI - 583 102.
21. V. LAKSHMI
D/O. SREE VITHLAPUR RAMANJINAPPA
@ RAMANJINEYYA
AGED 46 YEARS
OCC: HOUSE HOLD
R/O. NEAR DASARA GANDE
POST: KUDITINI
TALUK AND DISTRICT
BALLARI - 583 102.
22. V. SHRADA
D/O. SREE VITHLAPUR RAMANJINAPPA
@ RAMANJINEYYA
AGED 44 YEARS
OCC: HOUSE HOLD
R/O. NEAR DASARA GANDE
POST: KUDITINI
TALUK AND DISTRICT
BALLARI - 583 102.
23. THE STATE OF KARNATAKA
DEPARTMENT OF COMMERCE AND INDUSTRIES
VIKASA SOUDHA
BENGALURU-560001
REPRESENTED BY ITS SECRETARY
24. DEPUTY COMMISSIONER
BELLARY DISTRICT
BELLARY-583 101

25. THE ASSISTANT MANAGER
 M/S. ARCELOR MITTAL INDIA CO. LTD.,
 DOOR NO.21-A,
 Y. NAGESH SHASTRY ROAD
 PARVATHINAGAR
 OPP. TO K.C. KONDAYYA HOUSE
 BALLARI-583101.

...RESPONDENTS

(BY SRI. VIKAS RAJIPURA, AGA FOR R-23 AND R-24)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF KARNATAKA HIGH COURT ACT, 1961, PRAYING TO, (A). CALL FOR THE RECORDS PERTAINING TO WRIT PETITION NOS.108802 OF 2016 FILED BY THE RESPONDENTS NO.1 TO 22 HEREIN BEFORE THE LEARNED SINGLE JUDGE OF THIS HON'BLE COURT. (B). SET ASIDE THE ORDER DATED 18.07.2022 PASSED BY THE LEARNED SINGLE JUDGE OF THIS HON'BLE COURT IN WRIT PETITION NOS.108802/2016 (LA-KIADB) AND FURTHER TO DISMISS THE SAID WRIT PETITIONS AND ETC.

IN W.A.NO.100454 OF 2023:

BETWEEN:

1 . THE EXECUTIVE MEMBER
 THE KARNATAKA INDUSTRIAL AREAS DEVELOPMENT
 BOARD, 1ST FLOOR,
 R.P. BUILDING,
 NRUPATHUNGA ROAD,
 BENGALURU - 560001.

PRESENTLY AT NO.49,
 4TH AND 5TH FLOORS,
 EAST WING,KHANIJA BHAVAN,
 RACE COURSE ROAD,
 BENGALURU - 560001.

- 2 . SPECIAL LAND ACQUISITION OFFICER
THE KARNATAKA INDUSTRIAL AREAS DEVELOPMENT
BOARD, ZONAL OFFICE,
PLOT NO.33/A,
LAKAMANAHALLI INDUSTRIAL AREA,
P.B. ROAD, DHARWAD- 580008.

...APPELLANTS

(BY SRI. VEERESH R. BUDIHAL, ADVOCATE)

AND

- 1 . GAVISIDDAPPA S. NINGALABANDI
S/O. SANGAPPA NINGALABANDI,
AGED ABOUT 60 YEARS
R/O. BHAGYANAGAR.
KOPPAL - 583231.
TQ. KOPPAL.
DIST. KOPPAL
- 2 . SHANKARAPPA S. NINGALABANDI
S/O. SANGAPPA NINGALABANDI,
AGED ABOUT 55 YEARS,
R/O. BHAGYANAGAR,
KOPPAL - 583231.
TQ. KOPPAL,
DIST. KOPPAL
- 3 . NAGAPPA S. NINGALABANDI
S/O. SANGAPPA NINGALABANDI,
AGED ABOUT 52 YEARS,
R/O. BHAGYANAGAR,
KOPPAL - 583 231.
TQ. KOPPAL,
DIST. KOPPAL
- 4 . THE STATE OF KARNATAKA
REPRESENTED BY ITS CHIEF SECRETARY,
VIDHANA SOUDHA,
BENGALURU - 560001.
- 5 . THE PRINCIPAL SECRETARY
DEPARTMENT OF INDUSTRIES AND COMMERCE,

M.S. BUILDING,
BENAGALURU - 560001.

...RESPONDENTS

(BY SRI. VIKAS RAJIPURA, AGA FOR R-4 AND R-5
R-1 TO R-3 ARE SERVED AND UNREPRESENTED)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF KARNATAKA HIGH COURT ACT, 1961, PRAYING THIS TO (A). CALL FOR THE RECORDS PERTAINING TO WP NO.103533/2022 (LA-KIADB) BY RESPONDENTS No.1 TO 3 HEREIN BEFORE LEARNED SINGLE JUDGE OF THIS COURT. (B) SET ASIDE THE ORDER DATED 15.11.2022 PASSED BY LEARNED SINGLE JUDGE OF THIS HON'BLE COURT IN WRIT PETITION Nos.103533/2022 (LA-KIADB) AND FURTHER TO DISMISS THE SAID WRIT PETITIONS AND ETC.

IN W.P.NO.56771 OF 2013:
BETWEEN:

- 1 . SRI KRISHNA KHANDIGE
SINCE DECEASED BY HIS LR'S
 - 1A. SMT. SHEELA KHANDIGE
W/O LATE KRISHNA KHANDIGE
AGED ABOUT 54 YEARS
 - 1B. SRI. VARUN KHANDIGE
S/O LATE KRISHNA KHANDIGE
AGED ABOUT 27 YEARS
 - 1C. SRI. ABHIJAY KHANDIGE
S/O LATE KRISHNA KHANDIGE
AGED ABOUT 19 YEARS
- PETITIONERS No.1A TO 1C ARE
R/AT No.4002, 4TH FLOOR
SAAYA SERENE APARTMENT
OPP: ADARSH RYTHYM
PANDURANGANAGAR
BENGALURU-560 076
- 2 . SMT. DHARINA SOMASHEKHAR
W/O K.M. SOMASHEKHAR

AGED ABOUT 57 YEARS
 R/AT No.1188, 3RD CROSS
 26TH MAIN, 1ST PHASE
 J.P. NAGAR
 BENGALURU-560 078

...PETITIONERS

(BY SRI. R.S. RAVI, SENIOR COUNSEL FOR
 SRI. AKARSH KUMAR GOWDA, ADVOCATE FOR P1(A TO C))

AND:

- 1 . THE STATE OF KARNATAKA
 DEPARTMENT OF INDUSTRIES AND COMMERCE
 VIDHANA SOUDHA
 BENGALURU-560 001
 BY ITS PRINCIPAL SECRETARY
- 2 . THE SPECIAL LAND ACQUISITION OFFICER
 KARNATAKA INDUSTRIAL AREA
 DEVELOPMENT BOARD
 KINI BUILDING
 1ST CROSS, 3RD FLOOR
 GANDHI NAGAR
 BENGALURU-560 009
- 3 . THE MANAGING DIRECTOR
 BANGALORE METRO RAIL CORPORATION LTD.
 B.M.T.C. COMPLEX, 3RD FLOOR
 K.H. ROAD, SHANTHI NAGAR
 BENGALURU-560 027
- 4 . THE MANAGING DIRECTOR
 BANGALORE METROPOLITAN
 TRANSPORT CORPORATION
 B.M.T.C. COMPLEX, 3RD FLOOR,
 K.H. ROAD, SHANTHI NAGAR,
 BENGALURU - 560 027

...RESPONDENTS

(BY SRI. VIKAS RAJIPURA, AGA FOR R1
 SRI. D.L.N. RAO, SENIOR COUNSEL FOR
 SRI. P.V. CHANDRASHEKAR AND
 SRI. PURUSHOTHAMA P., ADVOCATES FOR R-2

SRI. S.S. NAGANAND, SENIOR COUNSEL FOR
SRI. N.N. HARISH, ADVOCATE FOR R-3
SRI. R.V. JAYAPRAKASH, ADVOCATE FOR R-4)

THIS WRIT PETITION IS FILED UNDER ARTCILE 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO (A). CALL FOR THE ENTIRE RECORDS IN THE MATTER OF ACQUISITION OF PETITIONER PROPERTY DATED IN PROCEEDINGS C211 SPQ 2007 DATED 7.5.2007 AND CI21/SPQ 10 DATED 19.1.2010 FROM THE OFFICE OF RESPONDENT AUTHORITIES, (B). TO DECLARE THE AWARD NOTICE DATED 05.08.2013 MADE IN KIADB/MLAQ-METRO /2013-14 PASSED BY THE 2ND RESPONDNET VIDE ANNEUXFRE-H AS NULL AND VOID AND ETC.

IN W.P.NO.35406 OF 2014:

BETWEEN:

YASHVIR GOEL
S/O LATE G D GOYAL
AGED ABOUT 68 YEARS
NO. 202/41, SANKEY ROAD
SADASHIVA NAGAR
BENGALURU - 560 080

...PETITIONER

(BY SRI. M.J. ALVA, ADVOCATE)

AND:

- 1 . THE SPECIAL LAND ACQUISITION OFFICER-2
KARNATAKA INDUSTRIAL AREA
DEVELOPMENT BOARD
REGIONAL OFFICE
NO.14/3, MAHARSHI ARAVINDA
BHAVAN, I FLOOR
NRUPATHUNGA ROAD
BENGALURU - 560002

- 2 . THE STATE OF KARNATAKA
REP BY ITS SECRETARY
DEPARTMENT OF COMMERCE
AND INDUSTRIES
VIDHANA SOUDHA

BENGALURU-560001

- 3 . BENGALURU METRO RAIL CORPORATION LTD
REP BY ITS SPECIAL DEPUTY
COMMISSIONER
3RD FLOOR, BMTC COMPLEX
K H ROAD, SHANTHI NAGAR
BENGALURU-560027

...RESPONDENTS

- (BY SRI. D.L.N. RAO, SENIOR COUNSEL FOR
SRI. P.V. CHANDRASHEKAR AND
SRI. PURUSHOTHAMA P., ADVOCATES FOR R1
SRI. VIKAS RAJIPURA, AGA FOR R-2
SRI. K. KRISHNA, ADVOCATE FOR R-3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED AWARD NOTICE DATED 26.4.2014 ISSUED UNDER SECTION 12[2] OF THE LAND ACQUISITION ACT AND THE ENDORSEMENT NO.KIADB/METRO/LAQ/50/2014-15 DATED 26.04.2014 ISSUED BY THE R-1 VIDE ANNEXURE-A & B RESPECTIVELY AND ETC.

IN W.P.NO.10489 OF 2015:

BETWEEN:

- 1 . SRI. MAHESH K. CHAWLA
S/O. LATE KISHANDAS CHAWLA
AGED ABOUT 60 YEARS
 - 2 . SRI NARAIN K CHAWLA
S/O LATE KISHANDAS CHAWLA
AGED ABOUT 57 YEARS
- BOTH ARE RESIDING AT NO. 28
"SHIV SHAKTI"
SERPENTINE ROAD
KUMARA PARK WEST,
BENGALURU - 560 020
- 3 . SRI VINOD K. CHAWLA
S/O LATE KISHANDAS CHAWLA

AGED ABOUT 55 YEARS
RESIDING AT NO.36
CHAWLA HOUSE, 12TH BLOCK
10TH CROSS,
KUMARA PARK WEST
BANGALORE-560020

4 . AMAR G CHAWLA
S/O LATE KISHANDAS CHAWLA
AGED ABOUT 47 YEARS
RESIDING AT NO. 27
SHIV SHAKTI, SERPENTINE ROAD
KUMARA PARK WEST,
BANGALORE-560020

5 . ANIL S CHAWLA
S/O SHYAMLAL K CHAWLA
AGED ABOUT 42 YEARS

6 . NARESH S CHAWLA
S/O SHYAMLAL K CHAWLA
AGED ABOUT 40 YEARS

BOTH ARE R/O B-23, TALLAM RESIDENCY
NO.11, SERPENTINE ROAD,
KUMARA PARK WEST
BANGALORE-560020

7 . SHYAM LAL K CHAWLA
S/O KISHANDAS
SINCE DEAD,
P5 AND P6 ARE TREATED AS LR'S OF P7.

...PETITIONERS

(BY SRI. V.V. GUNJAL, ADVOCATE
VIDE ORDER DATED 03.06.2022,
P5 AND P6 ARE TREATED AS LR'S OF DECEASED P7)

AND:

1 . STATE OF KARNATAKA
REPERSENTED BY ITS SECRETARY
COMMERCE & INDUSTRIES DEPARTMENT
M S BUILDING, BENGALURU - 560 001

- 2 . KARNATAKA INDUSTRIAL AREAS
DEVELOPMENT BOARD
THE SPECIAL LAND ACQUISITION OFFICER (BMRCL)
1ST FLOOR, RASHTROTHANA PARISHAT BUILDING,
14/3A, NRUPATHUNGA ROAD
BANGALORE-560001
- 3 . BANGALORE METRO RAIL CORPORATION LTD
REP BY ITS MANAGING DIRECTOR
3RD FLOOR, BMTc COMPLEX,
K H ROAD, BANGALORE-560027

...RESPONDENTS

(BY SRI. VIKAS RAJIPURA, AGA FOR R-1
SRI. D.L.N. RAO, SENIOR COUNSEL FOR
SRI. P.V. CHANDRASHEKAR AND
SRI. PURUSHOTHAMA P., ADVOCATES FOR R-2
SRI. S.S. NAGANAND, SENIOR COUNSEL FOR
SRI. N.N. HARISH, ADVOCATE FOR R-3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECT THE RESPONDENT MORE SO THE SLAO KIADB TO REDETERMINE THE COMPENSATION UNDER PROVISIONS OF THE CENTRAL ACT 30 OF 2013 RIGHT TO FAIR COMPENSATION AND TRANSPARENCY IN LAND ACQUISITION, REHABILITATION AND RESETTLEMENT ACT 2013 AND QUASH THE ORDER UNDER SECTION 12[2] OF LAND ACQUISITION ACT 1894 DATED 25.08.2014 NO.KIADB/LAQ/METROL/256/14-15 VIDE ANN-AD AND 17TH ADDL. CITY CIVIL JUDGE BANGALORE IN LAC NO. 0000111/2014, THE SUMMONS ISSUED BY THE LAC COURT IS AT ANN-AE DATED 21.01.2015 IN RESPECT PETITIONERS PROPERTY BEARING A PORTION OF 9A [NEW NO. 11/2] MEASURING 2,651.50 SQ.FT. AND THE SAID PLOT IS CARVED OUT OF SY.NO.11, 32 AND 33 PEENYA VILLAGE, YESHWANTPUR HOBLI, BENGALURU AND ETC.

IN W.P.NO.23940 OF 2015:
BETWEEN:

- 1 . N PRADEEP KUMAR GOYAL
AGE 55 YEARS,
S/O NARAYANA PRASAD GOYAL

2 . N SUDHIR KUMAR GOYAL
AGE ABOUT 62 YEARS,
S/O NARAYANA PRASAD GOYAL

3 . N RAJEEV KUMAR GOYAL
S/O NARAYANA PRASAD GOYAL
SINCE DECEASED BY LRS

3A. SMT. POONAM GOYAL
AGED ABOUT 54 YEARS

3B. SRI. VISHAL GOYAL
AGED ABOUT 31 YEARS

3C. SRI. YADU GOYAL
AGED ABOUT 28 YEARS

ALL ARE R/AT #39, K R ROAD,
OPP.VANI VILAS HOSPITAL,
BENGALURU - 560002

4 . RAJENDRA KUMAR
S/O SAGARMAL CHANDULAL KOTHARI
AGED ABOUT 53 YEARS,

5 . MAHENDRA KUMAR
S/O SAGARMAL CHANDULAL KOTHARI
AGED ABOUT 54 YEARS,

BOTH ARE R/AT # NO.39/1,
S K R ROAD, FORT,
BANGALORE - 560002

...PETITIONERS

(BY SRI. V.V. GUNJAL, ADVOCATE)

AND:

1 . STATE OF KARNATAKA
REP BY ITS SECRETARY,
COMMERCE & INDUSTRIES DEPARTMENT
M S BUILDING,
BANGALORE 560001

- 2 . KARNATAKA INDUSTRIAL AREAS
DEVELOPMENT BOARD,
REP BY ITS CHIEF EXECUTIVE OFFICER/
EXECUTIVE MEMBER,
KHANIJA BVHAVANA,
RACE COURSE ROAD,
BANGALORE 560001

- 3 . THE SPECIAL LAND ACQUISITION OFFICER
(KIADB METRO)
1ST FLOOR, WEST WING
RASHTROTHANA PARISHATH BUILDING,
14/3A, NRUPATHUNGA ROAD,
BANGALORE - 560 001

- 4 . BANGALORE METOR RAIL CORPORATION LTD
REPRESENTED BY ITS
MANAGING DIRECTOR
K H ROAD,
BANGALORE 560027

...RESPONDENTS

(BY SRI. VIKAS RAJIPURA, AGA FOR R1
SRI. D.L.N. RAO, SENIOR COUNSEL FOR
SRI. P.V. CHANDRASHEKAR AND
SRI. PURUSHOTHAMA P., ADVOCATES FOR R-2 AND R-3
SRI. S.S. NAGANAND, SENIOR COUNSEL FOR
SRI. N.N. HARISH, ADVOCATE FOR R-4)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO SET ASIDE THE ENTIRE PROCEEDINGS OF DETERMINATION OF AWARD ANN-W1 GENERAL AWARD UNDER SEC. 29 OF THE KIADB ACT IN NO.KIADB/LAQ/METRO/129/2013-14 DATED 30.12.2013 AND ANNEXURE-W2 GENERAL AWARD UNDER SEC. 29 OF THE KIADB ACT NO.KIADB/LAQ/METRO/128/2013-14 DATED 30.12.2013 PASSED BY THE R-3 LEADING TO DEPOSIT OF THE AMOUNT IN THE COURT OF THE CITY CIVIL JUDGE, BANGALORE IN LAC NO. 33 AND 34 AND ETC.

IN W.P.NO.12396 OF 2020:
BETWEEN:

- 1 . MR. A MUNIRAJA REDDY
 SON OF LATE MR.T.M.ABBAIAH REDDY,
 AGED 65 YEARS,
 RESIDING AT NO.210,
 CELEBRITY LAYOUT ROAD,
 DODDATHOGURU VILLAGE,
 ELECTRONIC CITY POST,
 BANGALORE-560 068.

- 2 . MR.A.ANANDA REDDY
 SON OF LATE MR.T.M.ABBAIAH REDDY,
 AGED 60 YEARS.
 RESIDING AT NO. 112,
 CELEBRITY LAYOUT ROAD,
 DODDATHOGURU VILLAGE,
 ELECTRONIC CITY POST,
 BANGALORE-560 068.

...PETITIONERS

(BY SRI. C.K. NANDA KUMAR, SENIOR COUNSEL
 FOR SRI. RAGHURAM CADAMBI, ADVOCATE)

AND:

- 1 . STATE OF KARNATAKA
 BY ITS SECRETARY.
 DEPARTMENT OF COMMERCE AND INDUSTRIES,
 M.S.BUILDING,
 DR.AMBEDKAR VEEDHI,
 BANGALORE-560 001.

- 2 . KARNATAKA INDUSTRIAL AREA
 DEVELOPMENT BOARD
 BY ITS CHAIRMAN.
 NO.49, 4TH AND 5TH FLOORS,
 EAST WING, KHANIJA BHAVAN,
 RACE COURSE ROAD,
 BENGALURU-560 001.

- 3 . THE SPECIAL LAND ACQUISITION OFFICER,
 KARNATAKA INDUSTRIAL

AREA DEVELOPMENT BOARD,
V.I.T.C. BUILDING,
1ST FLOOR,
VISVESWARAIAH MUSEUM BUILDING
KASTURBA ROAD
BENGALURU-560 001

...RESPONDENTS

(BY SRI. VIKAS RAJIPURA, AGA FOR R-1
SRI. GOPAL V. BILALMANE, ADVOCATE FOR R-3
SRI. ASHOK N. NAYAK, ADVOCATE FOR R-2)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE IMPUGNED AWARD NOTICES PASSED BY THE THIRD RESPONDENT (ANNEXURE-A AND A1) DIRECT THE R-3 TO ISSUE AWARD NOTICES FOR THE SCHEDULE PROPERTIES AWARDED COMPENSATION IN ACCORDANCE WITH THE 2013 ACT AND ETC.

THESE WRIT APPEALS, CCC AND WRIT PETITIONS HAVING BEEN HEARD AND RESERVED FOR JUDGMENT ON 19.12.2024 AND COMING ON FOR PRONOUNCEMENT OF JUDGMENT THIS DAY, **ANU SIVARAMAN J.**, PRONOUNCED THE FOLLOWING:

CORAM: HON'BLE MRS. JUSTICE ANU SIVARAMAN
and
HON'BLE MR. JUSTICE UMESH M ADIGA

CAV JUDGMENT**(PER: HON'BLE MRS. JUSTICE ANU SIVARAMAN)**

These batch of Writ Appeals arise from a common order dated 01.08.2022 of the learned Single Judge in W.Ps.No.5916/2017 c/w. 7980/2017 and 8214/2017 and the common order dated 18.07.2022 of the learned Single Judge in W.Ps.No.108802/2016 c/w. 107748/2014 and 100762/2017.

Writ Petitions No.56771/2013, 35406/2014, 10489/2015, 23940/2015 and 12396/2020 are filed by the private persons (land losers) challenging the awards passed in respect of acquisitions initiated under the Karnataka Industrial Areas Development Act, 1966 ('KIAD Act' for short), prior to 01.01.2014.

CCC No.100143/2023 is filed by the complainants seeking to initiate the contempt proceedings and punish the accused persons for willful disobedience of the interim order dated 15.11.2022 passed in W.P.No.103533/2022.

2. Heard learned senior counsels and the learned counsel appearing on either side.

3. The Writ Petitions before the learned Single Judge had been filed contending that the Notifications for acquisition of land issued under Section 28(1) of the KIAD Act, and the final Notifications issued thereafter should be deemed to have lapsed as per the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 ('2013 Act' for short). By the judgments under appeal, the Writ Petitions have been allowed quashing the awards already passed in respect of the subject properties and directing the issuance of fresh award in favour of the writ petitioners and to pay them compensation with all benefits, interest etc., as per the provisions of 2013 Act. These judgments are called to question in the batch of appeals filed by the KIADB. The Writ Petitions which raised similar questions of law have been tagged along with the appeals.

4. The learned senior counsel for the appellants submits that the provisions of the 2013 Act, especially

Sections 24 and 25 thereof are not applicable to an acquisition under the KIAD Act, which is the special enactment and that where the passing of the award and the payment of compensation had been delayed only on account of the challenges repeatedly raised by the writ petitioners themselves and the interdictory orders passed by this Court, the appellants - KIADB cannot be made responsible for payment of higher compensation under the 2013 Act, which has no application whatsoever to the facts of the case. The State has also filed the Writ Appeal as W.A.No.1071/2022.

5. Shri. D.L.N. Rao, learned senior counsel appearing for the KIADB in three of these appeals and for a beneficiary, Arcelor Mittal in another appeal submits that the acquisitions in question were made under the provisions of the KIAD Act and that the finding of the learned Single Judge that the provisions of Section 24 of the 2013 Act are applicable to the said acquisition is completely flawed. It is contended that Section 24 of the 2013 Act is a transitory provision and that it applies only to acquisitions under the 1894 Act. It is contended that the KIAD Act being a complete code in itself

and the provisions of the Land Acquisition Act, 1894 ('the 1894 Act for short) having been incorporated into the said Act by legislation, there is no question of applying the provisions of the 2013 Act to the acquisitions in question. Compensation is to be paid in respect of the acquisitions under the KIAD Act in terms of the provisions of the KIAD Act itself. It is contended that the acquisitions were initiated by the issuance of Notifications long before 01.01.2014. The vesting of the property occurred due to operation of law on issuance of the Final Notification under Section 28(4) of KIAD Act. It is therefore contended that the failure, if any, to pass the award within one year from 01.01.2014 would be of no consequence whatsoever and the awards having been passed thereafter, within a reasonable time, the directions issued by the learned Single Judge are untenable. He would place pointed reliance on the judgments of the Apex Court in ***Special Land Acquisition Officer, KIADB, Mysore v. Anasuya Bai*** reported in **(2017) 3 SCC 313** and of a Co-ordinate Bench of this Court in ***L. Ramareddy v. State of Karnataka & Others*** reported in **2020 SCC OnLine Kar 3435**, which has

been upheld by the Apex Court. The decision of the Division Bench of this Court in ***Sri A.C. Ananthaswamy v. State of Karnataka & Others*** reported in ***ILR 2006 KAR 1551*** and the decision of the Apex Court in ***M. Nagabhushana v. State of Karnataka & Others*** reported in ***(2011) 3 SCC 408***, have also been relied on.

6. It is further contended that Section 29 of the KIAD Act specifically provides for payment of compensation. Section 30 incorporates the provisions regarding enquiry, award, reference, determination, apportionment and payment of compensation. Section 29 of the KIAD Act provides for determination of the compensation under the said Act. It is further contended that substitution of Section 30 of the KIAD Act, by 2022 Act can be either from the date of substitution or coming into force of 2022 Act. Thereby, incorporated provisions apply to acquisition proceedings initiated under the KIAD Act after coming into force of the amendment Act, 2022. It cannot relate back to the date of coming back into force of the KIAD Act, in as much as the Act of 2013 was not in existence. Hence, it should be understood as coming into

force on the date of coming into effect of 2022 Act. It is submitted that there is no scope for applying the incorporated provisions of the 2013 Act to any other date by giving retrospective effect from the date of coming into force of the 2013 Act. The decision of ***S. Jalaja & Others v. Union of India & Others*** reported in ***2019 SCC OnLine Kar 543, Puttamma & Others v. State of Karnataka & Others***, by order ***dated 05.08.2021*** passed in ***W.A.No.4036/2019*** and ***K. Srinivas Murthy & another v. State of Karnataka*** reported in ***ILR 2020 KAR 4195***, are relied on.

7. Further, even in the amendment to Section 30 brought about by the KIAD amendment Act, 2022, only Sections 23, 23-A, 26, 27, 28, 29, 30, 64, 65, 69, 72, 73, 74, 75, 76, 77, 78, 79, 80 and 96 and Schedule-1, have been incorporated into the Act and Sections 24 and 25 are conspicuous by their absence. It is further contended that Section 28(4) of the KIAD Act provides for issuance of a declaration by Notification in the Official Gazette. Section 28(5) of the KIAD Act provides that on publishing in the Official Gazette of the declaration under sub Section 4, the

land shall vest absolutely in the State Government free from all encumbrances. It is submitted that any change in law which comes into effect after the vesting can have no effect on the acquisitions of the property which stands vested.

8. It is further contended, relying on authorities, that where a statute is incorporated by reference into a second statute, the repeal of the first statute by a third does not affect the second. It is submitted that the learned Single Judge refers to Section 24(1)(a) and (b) and its effect but failed to notice that the entire Section deals with acquisition initiated under the Land Acquisition Act 1894 and can have no application to other enactments. It is further contended that the KIAD Act and the Land Acquisition Act are not in *pari materia* and do not even come under the same list of the *SEVENTH SCHEDULE* of the Constitution of India. It is therefore contended that there would be no question of repugnancy leading to an inference that the provisions of the 2013 Act are applicable. Reliance is placed in this regard on the decision of the Apex Court in ***M/s. Hoechst Pharmaceuticals Ltd. & Others v. State of Bihar &***

Others, reported in **(1983) 4 SCC 45**. It is contended that all the awards were passed before 05.04.2022 when Section 30 of the KIAD Act stood amended and such amendment would not affect such awards. Reliance is placed on the Division Bench judgment of this Court in **N. Thippa Raju and Others v. State of Karnataka and another** by order **dated 20.04.1990** passed in **W.As.No.717-720/1990**.

9. Shri. S.S.Naganand, learned senior counsel appearing for the Bengaluru Metro Rail Corporation Limited ('BMRCL' for short), who is also the beneficiary of one of the acquisitions in question, supports the contentions of the counsel for KIADB. It is contended that the only question for consideration is the extent of compensation payable to the land losers and the mode and method of computation thereof since vesting has admittedly occurred in all these cases prior to 01.01.2014. It is submitted that during the pendency of the Writ Petitions, the BMRCL had conveyed its decision to apply the compensation norms prescribed in the new Act to all land owners provided their consent for receiving such compensation by agreement under Section 29(2) of the KIAD

Act. However, the petitioners raised a demand for market value as on 01.01.2014, which is totally untenable. This Court directed the Price Advisory Committee to determine the compensation after hearing the land losers but no solution was forthcoming.

10. It is further submitted that the KIAD Act is intended to promote the establishment and development of industries and acquisition proceedings are incidental to the main object and purpose of the Act. Section 30 was incorporated in the Act in order to make it a self working piece of legislation. Relying on precedents, it is contended that the introduction of the provisions of the Land Acquisition Act into the KIAD Act is evidently a legislation by incorporation and the repeal of the 1894 Act will have no impact on the KIAD Act. It is further contended that the argument based on Article 14 of the Constitution of India is not available to the petitioners as a later Constitution Bench of the Supreme Court in ***Union of India v. Chajju Ram*** reported in ***(2003) 5 SCC 568***, has explained the decision in ***Nagpur Improvement Trust and another v. Vithal Rao and others*** reported in ***(1973) 1***

SCC 500. The decision in ***Rajiv Sarin & Another v. State of Uttarakhand & Others***, reported in **(2011) 8 SCC 708**, is also relied on. It is further contended that the decision of KIADB on 27.08.2016 to grant compensation under the New Act would relate to acquisitions initiated after 01.01.2014 only and can have no impact on lands where vesting has occurred before 01.01.2014. It is further submitted that the reliance placed by the learned Single Judge on Section 8 of the General Clauses Act, 1897 was misconceived since the pre-amended Section 30 of the KIAD Act is clearly a legislation by incorporation. With regard to the 2022 amendment to the KIAD Act, it is submitted that the substitution is specifically from the date of the amending Act and where such a specific intention is expressed in the amendment itself, it can have no retrospective operation. The decision of the learned Single Judge of this Court in W.P.No.40748/1988 is relied on in support of his contentions.

11. Shri. K. Shashi Kiran Shetty, learned Advocate General and senior counsel appearing for the KIADB in Writ Appeals No.1071/2022, 1064/2022, 1105/2022, 1146/2022

and 1072/2022 contended that the acquisition in question in those appeals was initiated on 09.02.2004. Writ Petition No.10972/2007 was filed challenging the acquisition. The Writ Petition was allowed by judgment dated 29.08.2008. However, Writ Appeal No.2288/2008 and connected appeals were allowed by the Division Bench of this Court on 26.11.2012 and the SLPs filed there from were dismissed. Thereafter, the subject Writ Petitions were filed seeking compensation in terms of the 2013 Act. Meanwhile, awards were passed on 05.02.2018, which have been quashed by the learned Single Judge.

12. The learned senior counsel took us through the provisions of the KIAD Act to contend that the said Act is a self contained code. It is contended that a plain reading of Section 24 of the 2013 Act, would make it clear that the said provision applies only to the acquisitions under 1894 Act and has no application to any other enactment. It is contended that since the provisions of the KIAD Act are not under challenge, the writ petitioner could not have sought the reliefs and the learned Single Judge erred in granting the relief which

was not justifiable under the provisions of the statute. It is submitted that since vesting has already taken place under the provisions of the KIAD Act, a law which comes into existence after such vesting cannot have any effect on the acquisition in question. Reliance is placed on the decision of the Apex Court in ***Pratap v. State of Rajasthan*** reported in **(1996) 3 SCC 1**, in support of the said contention.

13. Apart from the decisions referred earlier, the learned senior counsel and the counsel for the appellants have also placed reliance on the following decisions:-

- **Bangalore Development Authority & Another v. State of Karnataka & Others**, by order dated **20.01.2022** passed in **Misc. Application No. 1614-1616/2019**;
- **Girnar Traders v. State of Maharashtra**, reported in **(2011) 3 SCC 1**;
- **Offshore Holdings Pvt. Ltd. v. Bangalore Development Authority & Others**, reported in **(2011) 3 SCC 139**;
- **State of Madhya Pradesh v. M.V. Narasimhan**, reported in **(1975) 2 SCC 377**;
- **Clarke v. Bradlaugh**, reported in **All E.R. 1881-5 1002**;
- **Land and Building Department & Another v. Attro Devi & Others**, reported in **2023 SCC Online SC 396**;

- **Siddeshwar Sugars Ltd. v. State of Karnataka & Others**, by order dated **27.10.2023** passed in **W.P.No.203585/2019**;
- **Union of India v. Subhash Chander Sehgal**, reported in **2022 SCC Online SC 1059**;
- **D.V. Lakshmana Rao v. State of Karnataka** reported in **2000 SCC OnLine KAR 775**;
- **State of Rajasthan v. Mangilal Pindwal**, reported in **(1996) 5 SCC 60**;
- **M.S.P.L. Ltd. v. State of Karnataka & Others**, reported in **2022 SCC OnLine SC 1380**;
- **Gaurishankar Gaur v. State of Uttar Pradesh**, reported in **(1994) 1 SCC 92**;
- **G. Sekar v. Geetha & Others**, reported in **(2009) 6 SCC 99**;
- **Secretary of State for India in Council v. Hindustan Co-Operative Insurance Society Ltd.**, reported in **AIR 1931 Privy Council 149**;
- **Bolani Ores Ltd. v. State of Orissa** reported in **(1974) 2 SCC 777**;
- **Gammon India Ltd. v. Special Chief Secretary & Others**, reported in **(2006) 3 SCC 354**;
- **Gem Granites v. Commissioner of Income Tax, Tamil Nadu**, reported in **(2005) 1 SCC 289**;

- **Shri Ramtanu Co-operative Housing Society Ltd. & Another v. State of Maharashtra & Others**, reported in **(1970) 3 SCC 323**.
- **Heggappanavara Markhandappa & Others v. State of Mysore & Others**, reported in **ILR 1973 KAR 1215**;
- **Ballarpur Industries Ltd. & Karnataka Industrial Areas Development Board**, reported in **ILR 1987 KAR 3445**; and
- **M. Shakuntamma v. State of Karnataka & Others** by order **dated 08.08.2017** passed in **W.P.No.64702/2016**;

14. *Per contra*, the learned senior counsel as well as the learned counsel appearing for the respondents/writ petitioners contended that the incorporation of the provisions of the 1894 Act in the KIAD Act is clearly a piece of legislation by reference and that any change made in the Act under reference would apply in the Parent Act as well. It is submitted that it is not a case of amendment of the 1894 Act, but repeal thereof. Referring to Sections 6 & 8 of the General Clauses Act, 1897, it is contended that since the 1894 Act stood repealed and replaced by 2013 Act, the reference to the 1894 Act in the KIAD Act will essentially have to be read as a reference to equivalent provisions of the 2013 Act. Further, it

is contended that since the 2022 amendment to Section 30 of the KIAD Act is by way of substitution, it should be read as always having been a part of the KIAD Act and must be read as a part of the Act from its inception. It is further contended that the Preliminary Notifications in some of these cases were issued as early as on 19.12.1988 and no awards have been passed even in such cases.

15. It is further contended that in some cases though awards had been passed they have not been approved before the date of coming into force of the 2013 Act and would therefore be *non-est* in law. In view of the provisions of Section 24(2) of the 2013 Act, it is contended that even at the time when there was no interdiction or stay as against the passing of the award, no award has been passed by the KIADB within one year time as provided under Section 25, even after all the litigations were over and therefore the finding of the learned Single Judge was perfectly legal and valid. It is submitted that in cases where no award was passed and no possession was taken also, the appellants are now trying to take possession of the lands by paying measly

compensation by relying on the date of the Preliminary Notification, which was decades ago.

16. In W.A.No.1105/2022, additional grounds are raised stating that a notice of award under the 1894 Act had been served on the appellants, which was challenged in February 2017 and a stay of dispossession was granted in the Writ Petition. It is submitted that a memo was filed in the Writ Petition in December 2020 stating that a general award was passed in the year 2018. The property was allotted to the private respondents, but the allotment was cancelled by the KIADB. Thereafter, the cancellation of the allotment was reviewed and the allotment was held proper. It is contended that if the KIAD Act was a complete code in itself, there would be no need for an incorporation of the provisions of the Land Acquisition Act into the KIAD Act and therefore, the finding to that effect is erroneous.

17. It is submitted that in many of these cases no award was passed in a manner known to law before 01.01.2014 after complying with the due procedure under 1894 Act and as such, the provisions of the 2013 Act, which

was already in force should have been applied. Further, it is contended that the KIADB itself had taken a decision that the compensation to land losers would be paid based on the formula provided under the 2013 Act. This proposal was approved by the State Government. It is therefore contended that in all these cases, where the awards were not passed before 01.01.2014 and compensation was not paid or possession not taken, the provisions of the 2013 Act for fixing of the compensation should be followed.

18. Shri V.V. Gunjal, learned counsel appearing for the writ petitioners further contended that the right to property having been recognized as a valuable human right, the appellants cannot contend that they will not provide proper and lawful compensation for the valuable property of the Writ Petitioners for which no proper compensation has been fixed or paid. It is further contended that Section 24 being only a transitory provision, the non mentioning of the said Section in the 2022 amendment to the KIAD Act is of no consequence. Further, the intention of the 2013 Act being to facilitate the acquisition of land for public purpose and to promote

industrialization in a fair and transparent manner by providing just compensation, the provisions of the said Act have to be read into all statutes providing for acquisition of land.

19. The learned senior counsel for the petitioners in W.P.No.12396/2020 submits that the Notification in his case was under challenge before this Court and there was a stay, which was in operation only till the year 2004. In 2007, there was a proposal for de-notification and the litigation was withdrawn with liberty to agitate on the question of compensation relying on the statement of objects and reasons for the KIAD amendment Act, 2022. It is contended that it is with the laudable object of granting the benefits of the 2013 Act to land losers affected by acquisitions under the KIAD Act that the amendment was brought into effect. With regard to the pre-amended Section 30 also, it is contended, relying on Sections 6 and 8 of the General Clauses Act, that Section 30 is a legislation by reference and any reference to the Land Acquisition Act in the KIAD Act has to be read as a reference to the 2013 Act, since the 1894 Act, stands repealed and substituted by the 2013 Act. It is further contended that since

the award has admittedly passed in the year 2019, the compensation ought to have been computed on the basis of the 2013 Act which was already in force.

20. It is also vehemently contended that the intention of the 2013 Act being to facilitate land acquisition for public purposes and Industrialization in a fair and transparent manner, by providing just and fair compensation and resettlement to the persons and families affected thereby, provision for fair compensation is to be read into all statutes providing for acquisition of land. Since the 2013 Act is a piece of beneficial legislation, all its provisions must be construed liberally with the intention of extending all possible benefits to the land losers.

21. The learned senior counsel as well as the learned counsel appearing for the respondents/writ petitioners have relied on the following decisions apart from those that have already been cited by the appellants.

Amendment by Substitution and effect of Repeal:-

- **S.S. Darshan v. State of Karnataka & Others**, reported in **(1996) 7 SCC 302**;
- **Mariyappa & Others v. State of Karnataka & Others**, reported in **(1998) 3 SCC 276**;
- **The Hassan Cooperative Society v. State of Karnataka**, reported in **2014 ILR KAR 425**;
- **Zile Singh v. State of Haryana & Others**, reported in **(2004) 8 SCC 1**;
- **Government of India & Others v. Indian Tobacco Association**, reported in **(2005) 7 SCC 396**;
- **Pernod Ricard India (P) Ltd. v. The State of Madhya Pradesh & Others**, reported in **(2024) 8 SCC 742**;
- **State of Madhya Pradesh v. Kedia Leather & Liquor Ltd.**, reported in **(2003) 7 SCC 389**.
- **Sales Tax Officer, Kanpur & Others v. Union of India & Others**, reported in **1995 Supp (1) SCC 410**;
- **P C Agarwala v. Payment of Wages, Inspector, M.P. and others** reported in **(2005) 8 SCC 104**;
- **Executive Engineer, Gosikhurd Project Ambadi, Bhandara, Maharashtra Vidarbha Irrigation Development Corporation v. Mahesh & Others**, reported in **(2022) 2 SCC 772**;

- **Northern India Caterers Private Ltd. & Another v. State of Punjab & Another**, reported in **(1967) 3 SCR 399**;
- **Union of India v. C. Rama Swamy & Others**, reported in **(1997) 4 SCC 647**;
- **State of Gujarat & Another v. Shaileshbhai Mansukhlal Shah & Another**, reported in **(2007) 7 SCC 71**;
- **State of Tamil Nadu & Others v. K. Shyam Sunder & Others**, reported in **(2011) 8 SCC 737**;
- **Udai Singh Dagar & Others v. Union of India & Others**, reported in **(2007) 10 SCC 306**;
- **Southern Petrochemical Industries Co. Ltd. v. Electricity Inspector & ETIO & Others**, reported in **(2007) 5 SCC 447**;
- **Gajraj Singh & Others v. State Transport Appellate Tribunal & Others**, reported in **(1997) 1 SCC 650**;
- **Fibre Boards Private Ltd. v. Commissioner of Income Tax, Bangalore**, reported in **(2015) 10 SCC 333**;
- **Koteswar Vittal Kamath v. K. Rangappa Baliga and Co.**, reported in **AIR 1969 SC 504**.
- **Income Tax Officer v. Vikram Sujitkumar Bhatia**, reported in **(2024) 7 SCC 741**;
- **Shree Mohan Chowdhury v. Chief Commissioner, Union Territory of Tripura**, reported in **AIR 1964 SC 173**;

- **National Sewing Thread Company Limited v. James Chadwick & Brothers Limited**, reported in **(1953) 1 SCC 794**;
- **State v. A. Parthiban**, reported in **(2006) 11 SCC 473**;
- **State of Kerala v. M/s Attensee (Agro Industrial Trading Corporation)**, reported in **1989 Supp (1) SCC 733**;
- **Paresh Chandra Chatterjee v. State of Assam & Another**, reported in **AIR 1962 SC 167**;
- **State of Bihar v. S.K. Roy**, reported in **AIR 1966 SC 1995**;
- **PTC India Ltd. v. Central Electricity Regulatory Commission**, reported in **(2010) 4 SCC 603**;
- **State of Maharashtra v. Central Provinces Manganese Ore Co. Ltd.**, reported in **(1977) 1 SCC 643**;
- **State of Madhya Pradesh & Others v. Lafarge Dealers Association & Others**, reported in **(2019) 7 SCC 584**;
- **Kumaran v. State of Kerala & Another**, reported in **(2017) 7 SCC 471**;
- **Jaypee Infratech Ltd. v. Axis Bank Ltd. & Others**, reported in **(2020) 8 SCC 401**;

- **Pioneer Urban Land and Infrastructure Ltd. & Another v. Union of India & Others**, reported in **(2019) 8 SCC 416**;
- **Indian Express Newspapers (Bombay) Private Ltd. & Others v. Union of India & Others**, reported in **(1985) 1 SCC 641**;
- **Lal Shah Baba Dargah Trust v. Magnum Developers & Others**, reported in **(2015) 17 SCC 65**;
- **Commissioner of Income Tax (Central)-I, New Delhi v. Vatika Township Private Limited**, reported in **(2015) 1 SCC 1**;
- **Yogender Pal Singh & Others v. Union of India & Others**, reported in **(1987) 1 SCC 631**;
- **Sitaram Jivabhai Gavali v. Ramjibhai Potiyabhai Mahala & Others**, reported in **(1987) 2 SCC 262**;
- **Shree Bhagwati Steel Rolling Mills v. CCE**, reported in **(2016) 3 SCC 643**;
- **Gottumukkala Venkata Krishnamraju v. Union of India**, by order dated **07.09.2018** passed in **Writ Petition (Civil) No. 732/2018**;
- **M/s Mercury Press & Others v. Ameen Shacoor & Others**, reported in **ILR 2002 KAR 2304**;
- **Hem Chandra v. State of Uttar Pradesh & Others**, **Writ-C No. 12796/2024** dated **20.05.2024**;
- **R. Rajagopala Reddy & Others v. Padmini Chandrasekharan**, reported in **(1995) 2 SCC 630**;

- **Harshad S. Mehta v. State of Maharashtra**, reported in **(2001) 8 SCC 257**;
- **State Bank's staff Union (Madras Circle) v. Union of India** reported in **(2005) 7 SCC 584**;
- **State of Jharkhand & Others v. Ambay Cement & Another**, reported in **(2005) 1 SCC 368**; and
- **Shanta Talwar & Another v. Union of India & Others**, reported in **(2011) 5 SCC 287**.

Acquisition - right to challenge, delay in Land Acquisition Proceedings effect:-

- **Anil Kumar Gupta v. State of Bihar & Others**, reported in **(2012) 12 SCC 443**;
- **State of Maharashtra & Others v. Moti Ratan Estate & Another**, reported in **(2019) 8 SCC 552**;
- **Sangappa Gurulingappa Sajjan v. State of Karnataka & Others**, reported in **(1994) 4 SCC 145**;
- **Peerappa Hanmantha Harijan & Others v. State of Karnataka & Another**, reported in **(2015) 10 SCC 469**;
- **Lilawati Agarwal & Others v. State of Jharkhand**, reported in **(2016) 6 SCC 566**;
- **Delhi Development Authority v. Reena Suri & Others**, reported in **(2016) 12 SCC 649**;
- **Satish Kumar Gupta & Others v. State of Haryana & Others**, reported in **(2017) 4 SCC 760**;

- **Uddar Gagan Properties Ltd. v. Sant Singh & Others**, reported in **(2016) 11 SCC 378**;
- **U.P. Avas Evam Vikas Parishad v. Chandrashekhar**, reported in **2024 SCC online SC 277**;
- **Bangalore Metro Rail Corporation Ltd. v. Sri Balaji Corporate Services**, reported in **ILR 2023 KAR 4947**;
- **Bangalore Metro Rail Corporation Limited v. L. Venkataramana Raju & Others**, by order dated **27.09.2023** passed in **Diary No.49540/2023**;
- **Innovative Industries Ltd. v. ICICI Bank & Another**, reported in **(2018) 1 SCC 407**;
- **Ashok Kumar & Others v. State of Haryana & Another**, reported in **(2007) 3 SCC 470**;
- **Urban Improvement Trust v. Smt. Vidhya Devi & Others**, reported in **2024 SCC online SC 3725**;
- **Special Land Acquisition Karnataka Industrial Officer Area Development Board (KIADB) & Others v. K.B. Lingaraju & Others**, by order dated **28.09.2022** passed in **Dairy No. 38087/2023**;
- **Karnataka Industrial Area Development Board & Others v. State of Karnataka & Others**, W.A. No. **100219/2018** dated **05.12.2018**;
- **Ram Chand & Others v. Union of India & Others**, reported in **(1994) 1 SCC 44**;

- **N. Bomman Behram (Dead) By L.Rs. and Another v. State of Mysore and Another**, reported in (1974) 2 SCC 316;
- **K. Rakkianna Gounder v. The Secretary to Government, W.P. No. 33337/2013, High Court of Madras** dated 29.01.2014;
- **Hori Lal v. The State of Uttar Pradesh**, reported in 2019 SCC Online SC 129;
- **Aligarh Development Authority v. Megh Singh & Others** reported in (2016) 12 SCC 504;
- **Govind Poslya Gavit v. Vilas VijaysingValvi, Civil Application No. 9287/2023, dated 03.08.2023 High Court of Judicature at Bombay**;
- **Sudha Bhalla Alias Sudha Punchi & Others v. Rakesh Kumar Singh & Others, Civil Appeal No. 19839/2017** dated 19.02.2024;
- **Haryana State Industrial and Infrastructure Development Corporation Ltd. & Others v. Deepak Aggarwal & Others**, reported in (2023) 6 SCC 512;
- **State of Uttar Pradesh v. Hariram**, reported in (2013) 4 SCC 280;
- **Poornaprajna House Building Co-Operative Society v. Bailamma @ DoddaBailamma& Others**, reported in ILR 1998 KAR 1441;
- **D.V. Lakshmana Rao v. State of Karnataka & Others**, reported in ILR 2001 KAR 2689;

- **K. Balakrishnan & Another v. State of Karnataka & Others**, reported in **2002 SCC OnLine KAR 175**;
- **Thomas Patrao & Another v. State of Karnataka & Others**, reported in **ILR 2005 KAR 4199**; and
- **K.S. Paripoornan v. State of Kerala & Others**, reported in **(1994) 5 SCC 593**.

Violation of Article 14 of the Constitution of India:

- **Union of India and another v. Tarsem Singh and Others**, reported in **(2019) 9 SCC 304**.
- **Nagpur Improvement Trust & Another v. Vithal Rao & Others**, reported in **(1973) 1 SCC 500**;
- **National Highways Authority of India v. P. Nagaraju & Another**, reported in **(2022) 15 SCC 1**;
- **Kolkata Municipal Corporation & Another v. Bimal Kumar Shah & Others**, reported in **2024 SCC OnLine SC 968**;
- **Property Owners Association & Others v. State of Maharashtra**, reported in **2024 SCC OnLine SC 3122**;
- **Prestige Lights Ltd. v. State Bank of India**, reported in **(2007) 8 SCC 449**;
- **Special Land Acquisition Officer & Others v. Venugopal V.R. & Others** by order dated **28.09.2022** passed in **W.A.No.6820/2017**;
- **H.N. Shivanna & Others v. State of Karnataka & Another**, reported in **(2013) 4 KCCR 2793**;

- **Savitri Cairae v. U.P. Avas Evam Vikas Parishad & Others**, reported in **(2003) 6 SCC 255**;
- **Kanak & Others v. U.P. Avas Evam Vikas Parishad & Others**, reported in **(2003) 7 SCC 693**;
- **The Deputy Commissioner and Collector Kamrup & Others v. Durganath Sarma**, reported in **AIR 1968 SC 394**;
- **P. Vajravellu Mudaliar v. The Special Deputy Collector for Land Acquisition**, reported in **AIR 1965 SC 1017**;
- **Dilbagh Rai Jarry v. Union of India & Others**, reported in **(1974) 3 SCC 554**;
- **Bhag Singh & Others v. Union Territory of Chandigarh**, reported in **(1985) 3 SCC 737**; and
- **Madras Port Trust v. Hymanshu International by its Proprietor V. Venkatadri (Dead) by L.Rs.**, reported in **(1979) 4 SCC 176**.

Binding nature of earlier judgments:-

- **Banwari & Others v. Haryana State Industrial and Infrastructure Development Corporation Ltd. & Another**, Civil Appeal No. 13348/2024 dated 10.12.2024.

Time limit and reasonable time:

- **Munithimmaiah v. State of Karnataka & Others**, reported in **2002 (4) SCC 326**; and

- **Padmasundara Rao & Others v. State of Tamil Nadu & Others**, reported in **2002 (3) SCC 533**.

Interpretation of statutes:

- **M/s Unique Butyle Tube Industries Pvt. v. U.P. Financial Corporation & Others**, reported in **AIR 2003 SC 2013**;
- **K.L. Gupta v. The Municipal Corporation of Greater Bombay & Others**, reported in **AIR 1968 SC 303**;
and
- **Devidas R. Bollaki v. State of Telangana & Others**, **W.P.No. 1467/2015 dated 02.03.2015**.

Several other citations have also been relied on by both sides.

22. We have considered the contentions advanced on either side and given our anxious consideration to the precedents cited. In W.P.No.108802/2016 and connected cases, the learned Single Judge had formulated the following question for consideration:-

"Whether in respect of lands notified prior to 01.01.2014 under the KIAD Act, in respect of which an award has not been passed as on 01.01.2014, awards are required to be passed under the 1894 Act or the 2013 Act as envisaged in Section 24 (1) of the 2013 Act?"

23. The learned Single Judge considered the provisions of the KIAD Act as well as the Land Acquisition Act and the 2013 Act and held that with the repeal of 1894 Act and the enactment of the 2013 Act with effect from 01.01.2014 all references to the 1894 Act in any other statute would have to be construed as a reference to the 2013 Act by virtue of the Rule of Construction in Section 8 of the General Clauses Act, 1897. It was therefore held that the references to the provisions in respect of enquiry and award under the 1894 Act in Section 30 of the KIAD Act would have to be construed as reference to the provisions of Sections 27 to 30 of the 2013 Act. Further, it was held that Section 24 of 2013 Act is a provision relating to lapsing of acquisition initiated under 1894 Act and it begins with a *non-obstante* clause. It was held that the decisions in **Anasuya Bai's** case (supra), and **L. Ramareddy's** case (supra), were only on the question of lapsing on the acquisition and did not consider the effect of Section 24(1) and (2) of the 2013 Act. It was held by the learned Single Judge that since Section 30 of the KIAD Act amounts to legislation by reference and not by incorporation,

the repeal of the 1894 Act and the enactment of the 2013 Act would have the effect of making Section 24 of the 2013 Act applicable to acquisition initiated before 01.01.2014 as well. Taking note of the amendment of Section 30 of KIAD Act by the amending Act 20 of 2022, it was held that the intent of the legislature was that in respect of lands acquired under the KIAD Act, compensation will have to be paid in accordance with the 2013 Act.

24. On these discussions, it was held that in respect of lands notified for acquisition prior to 2014 under the KIAD Act and in respect of which an award has not been passed as on 01.01.2014, the awards are required to be passed under Section 24(1)(a) of the 2013 Act. The Writ Petitions were thus allowed.

25. We notice that the appellants have raised several pertinent questions before this Court in this batch of Writ Appeals. They contend that many of those questions already stand answered in favour of the acquiring authorities and the beneficiaries by binding judgments of the Apex Court or by Bench decisions of this Court which have been affirmed by the

Apex Court. From the pleadings and contentions raised, we find that the legal points which arise for consideration in this batch of appeals and petitions are as follows:-

- (i) *Whether Section 30 of the KIAD Act prior to amendment, which makes the provisions of the 1894 Act applicable for particular purposes, is a legislation by reference or a legislation by incorporation?*
- (ii) *Whether the KIAD Act is a self contained Code?*
- (iii) *Whether the other provisions of the 1894 Act except in respect of passing of the award and payment of compensation are applicable to an acquisition under the KIAD Act?*
- (iv) *Whether the provisions of the 2013 Act are applicable to a acquisition under the KIAD Act prior to the amending Act 20 of 2022?*
- (v) *What is the effect of the amending Act of 20 of 2022 on acquisitions under the KIAD Act?*
- (vi) *Whether the provisions of Sections 24 and 25 of the 2013 Act are applicable to an acquisition under the KIAD Act?*

26. For a proper consideration of the questions raised we are of the opinion that the essential provisions of the KIAD Act required to be referred to.

27. The statement of objects and reasons of the KIAD Act, reads as follows:-

I. Act 18 of 1966: It is considered necessary to make provision for the orderly establishment and development of Industries in suitable areas in the State. To achieve 3 this object, it is proposed to specify suitable areas for Industrial Development and establish a Board to develop such areas and make available lands therein for establishment of Industries.

Section 28 of the KIAD Act reads as follows:-

"28. Acquisition of land: (1) *If at any time, in the opinion of the State Government, any land is required for the purpose of development by the Board, or for any other purpose in furtherance of the objects of this Act, the State Government may by notification, give notice of its intention to acquire such land.*

(2) *On publication of a notification under sub-section (1), the State Government shall serve notice upon the owner or where the owner is not the occupier, on the occupier of the land and on all such persons known or believed to be interested therein to show cause, within thirty days from the date of service of the notice, why the land should not be acquired.*

(3) *After considering the cause, if any, shown by the owner of the land and by any other person interested therein, and after giving such owner and person an opportunity of being heard, the State Government may pass such orders as it deems fit.*

(4) After orders are passed under sub-section (3), where the State Government is satisfied that any land should be acquired for the purpose specified in the notification issued under sub-section (1), a declaration shall, by notification in the official Gazette, be made to that effect.

(5) On the publication in the official Gazette of the declaration under sub-section (4), the land shall vest absolutely in the State Government free from all encumbrances.

(6) Where any land is vested in the State Government under sub-section (5), the State Government may, by notice in writing, order any person who may be in possession of the land to surrender or deliver possession thereof to the State Government or any person duly authorised by it in this behalf within thirty days of the service of the notice.

(7) If any person refuses or fails to comply with an order made under sub-section (5), the State Government or any officer authorised by the State Government in this behalf may take possession of the land and may for that purpose use such force as may be necessary.

(8) Where the land has been acquired for the Board, the State Government, after it has taken possession of the land, may transfer the land to the Board for the purpose for which the land has been acquired."

Section 29 of the KIAD Act reads as follows:-

"29. Compensation: (1) Where any land is acquired by the State Government under this Chapter, the State Government shall pay for such acquisition compensation in accordance with the provisions of this Act.

(2) Where the amount of compensation has been determined by agreement between the State Government

and the person to be compensated, it shall be paid in accordance with such agreement.

(3) Where no such agreement can be reached, the State Government shall refer the case to the Deputy Commissioner for determination of the amount of compensation to be paid for such acquisition as also the person or persons to whom such compensation shall be paid.

(4) On receipt of a reference under sub-section (3), the Deputy Commissioner shall serve notice on the owner or occupier of such land and on all persons known or believed to be interested herein to appear before him and state their respective interests in the said land."

Section 30 of the KIAD Act prior to amendment read as follows:-

"30. Application of Central Act 1 of 1894: *The provisions of the Land Acquisition Act, 1894 (Central Act 1 of 1894) shall mutatis mutandis apply in respect of the enquiry and award by the Deputy Commissioner, the reference to Court, the apportionment of compensation and the payment of compensation, in respect of lands acquired under this Chapter."*

Sections 24 and 25 of the 2013 Act read as under:-

"Section 24. Land acquisition process under Act No. 1 of 1984 shall be deemed to have lapsed in certain cases. - (1) Notwithstanding anything contained in this Act, in any case of land acquisition proceedings initiated under the Land Acquisition Act, 1894 (1 of 1894),-

- (a) *where no award under section 11 of the said Land Acquisition Act has been made, then, all provisions of this Act relating to the determination of compensation shall apply; or*
- (b) *where an award under said section 11 has been made, then such proceedings shall continue under the provisions of the said Land Acquisition Act, as if the said Act has not been repealed.*

(2) Notwithstanding anything contained in sub-section (1), in case of land acquisition proceedings initiated under the Land Acquisition Act, 1894 (1 of 1894), where an award under the said Section 11 has been made five years or more prior to the commencement of this Act but the physical possession of the land has not been taken or the compensation has not been paid the said proceedings shall be deemed to have lapsed and the appropriate Government, if it so chooses, shall initiate the proceedings of such land acquisition afresh in accordance with the provisions of this Act:

Provided that where an award has been made and compensation in respect of a majority of land holdings has not been deposited in the account of the beneficiaries, then, all beneficiaries specified in the notification for acquisition under section 4 of the said Land Acquisition Act, shall be entitled to compensation in accordance with the provisions of this Act.

Section 25. Period within which an award shall be made. - *The Collector shall make an award within a period of twelve months from the date of publication of the declaration under section 19 and if no award is made within that period, the entire proceedings for the acquisition of the land shall lapse:*

Provided that the appropriate Government shall have the power to extend the period of twelve months if in its opinion, circumstances exist justifying the same:

Provided further that any such decision to extend the period shall be recorded in writing and the same shall be notified and be uploaded on the website of the authority concerned."

28. The amendment to Section 30 incorporated by Act 20 of 2022 is as under:-

"An Act further to amend the Karnataka Industrial Areas Development Act, 1966.

Whereas it is expedient to amend the Karnataka Industrial Areas Development Act, 1966 (Karnataka Act 18 of 1966) for the purposes hereinafter appearing;

Be it enacted by the Karnataka State Legislature in the seventy third year of the Republic of India, as follows:-

1. Short title and commencement.- (1) *This Act may be called the Karnataka Industrial Areas Development (Amendment) Act, 2022.*

(2) It shall come into force at once.

2. Amendment of section 30.-*In the Karnataka Industrial Areas Development Act, 1966 (Karnataka Act 18 of 1966), for section 30, the following shall be substituted, namely:-*

"30. Application of Central Act 30 of 2013.- *The sections 23, 23A, 26, 27, 28, 29, 30, 64, 65, 69, 72, 73, 74, 75, 76, 77, 78, 79, 80, 96 and schedule-1 of the Right*

to fair compensation and transparency in Land Acquisition, rehabilitation and resettlement Act, 2013 (Central Act 30 of 2013) shall for that purpose be deemed to form part of this Act in the same manner as if they were re-enacted in the body thereof in respect of lands acquired under this Chapter.”

29. On the first question, as to whether Section 30 of the KIAD Act prior to its amendment is legislation by reference or by incorporation, though the same is not specifically answered by the Apex Court, we notice from the findings in **Anasuya Bai's** case (supra), that the Apex Court has come to the conclusion that Section 30 of the KIAD Act was a legislation by incorporation, which is the reason why the repeal of 1894 Act and enactment of the 2013 Act have been held to be of no consequence. Further, we also notice that, the Apex Court having held that the KIAD Act is a complete code in itself, the only logical conclusion would be that Section 30 incorporates the provisions of the Land Acquisition Act with regard to passing of the award and payment and apportionment of compensation into the scheme of KIAD Act and it is by the said incorporation that the act becomes a complete code. Further, in **Anasuya Bai's** case (supra), the

Apex Court has distinguished the decision in ***Mariyappa v. State of Karnataka*** reported in **(1998) 3 SCC 276** and reiterated that KIAD Act is a complete code in itself.

30. The Apex Court also referred to the decision with regard to legislation by incorporation in ***State of M.P. v. M.V. Narasimhan*** reported in **(1975) 2 SCC 377**, where the tests to determine whether a legislation is by incorporation or by reference have been re-stated as follows:-

"15. On a consideration of these authorities, therefore, it seems that the following proposition emerges:

"Where a subsequent Act incorporates provisions of a previous Act then the borrowed provisions become an integral and independent part of the subsequent Act and are totally unaffected by any repeal or amendment in the previous Act. This principle, however, will not apply in the following cases:

- (a) where the subsequent Act and the previous Act are supplemental to each other;*
- (b) where the two Acts are in pari materia;*
- (c) where the amendment in the previous Act, if not imported into the subsequent Act also, would render the subsequent Act wholly unworkable and ineffectual; and*

(d) *where the amendment of the previous Act, either expressly or by necessary intendment, applies the said provisions to the subsequent Act."*

31. Having considered the contentions advanced and in the light of the binding decisions of the Apex Court, we are of the opinion that the inescapable conclusion would be that un-amended Section 30 of the KIAD Act was indeed a legislation by incorporation and not by reference. If it is held otherwise, the finding that the KIAD Act is a complete code in itself would be rendered otiose and meaningless. The first question raised is answered holding that Section 30 of the KIAD Act, prior to amendment also is a piece of legislation by incorporation.

32. The second question whether the KIAD Act is a self contained code already stands answered in the affirmative in ***M. Nagabhushana***'s case (supra). The learned counsel for the respondents raised a contention that the said finding is not a reasoned one and that since it is obvious that the provisions of the 1894 Act have to be resorted to in the matter of enquiry and award and the apportionment and payment of compensation, the finding is totally unsupported.

Having referred to the judgments relied on, we are of the opinion that since the provisions of the 1894 Act stand incorporated into the KIAD Act by Section 30, the finding that the KIAD Act is a complete code in itself is perfectly justified and is binding on us. The said issue also therefore stands answered in the affirmative.

33. With regard to the third question, whether the other provisions of the 1894 Act except in respect of passing of the award and payment of compensation are applicable to an acquisition under the KIAD Act, the Apex Court has already held in **Anasuya Bai's** case (supra), that the provisions of the Land Acquisition Act except those which are specifically incorporated by Section 30 would have no application to an acquisition under the KIAD Act. In **M. Nagabhushana's** case (supra) and earlier citations have also pointedly considered this issue. The said question is therefore answered in the negative.

34. As regards the fourth question, whether the provisions of the 2013 Act are applicable to a acquisition under the KIAD Act prior to the amending Act 20 of 2022,

from reading of the judgments relied on either side, we notice that the legal proposition which arises is as follows:-

A co-equal bench of this Court in **L. Ramareddy's** case, at paragraph No.44, held as under:-

"44. In the circumstances, it is concluded and held that Section 24 does not take within its scope nor does it apply to acquisitions which have been initiated under the provisions of any other enactment particularly, State enactment, such as, BDA Act. The said Section is restricted to only those acquisitions which have been initiated under the provisions of the LA Act, 1894 only. Subject to compliance of the conditions mentioned under sub-section (2) of Section 24, the land owner would be entitled to the deeming provision regarding lapse of acquisition and not otherwise."

This Court in **Ananthaswamy's** case at paragraph No.41 held as under:-

41. Therefore, for a declaration of lapse of acquisition, the pre-conditions or conditions precedent mentioned under sub-section (2) of Section 24 of the 2013 Act must apply. Most importantly the said conditions must prevail in an acquisition initiated under the provisions of the LA Act, 1894, and not with regard to acquisition initiated under any other enactment be it Central or State enactment. Therefore, before land owners could seek relief under sub-section (2) of Section 24 of 2013 Act, which is a right created in their favour, the basic postulate that must be borne in mind is to ascertain, in the first instance, as to

under which law, acquisition has been initiated; whether under the provisions of the LA Act, 1894 or any other law. If it is under any other law, then in my view Section 24 would not be applicable to such acquisitions. As already noted, KIAD Act, being distinct having a different object and scope and acquisition of lands being only incidental to the main object and scope under the said Act, the acquisition proceedings initiated under the said Act cannot be considered on par, so as to hold that land acquisition proceedings initiated under the provisions of the KIAD Act are "land acquisition proceedings initiated under the provisions of the LA Act, 1894".

35. The fourth question raised also stands answered in the negative by the judgments in **L. Ramareddy's** case (supra) and in **Ananthaswamy's** case (supra). The said decisions of this Court also stand affirmed by the Apex Court. We are in agreement with the findings of the co-ordinate bench, which have been affirmed by the Apex Court. Therefore, we hold that the provisions of the 2013 Act are not applicable to an acquisition under the KIAD Act until they are made applicable by the amendment of 2022.

36. With regard to the fifth question, it is clear that the amendment by substitution is specifically made applicable from the date of effect of the Notification of the amendment.

The Amendment Act, 2022 is specifically made prospective in operation.

37. The co-ordinate Bench of this Court in ***Sri M. Suresh v. Smt. Mahadevamma***, reported in ***AIR Online 2020 KAR 2621***, has held that, it is clear that ordinarily, the effect of amendment by 'substitution' is that, the substituted provision stands repealed and the amended provision is substituted in the place of earlier provision from the date of inception of the enactment, but it is not applicable in all circumstances. If the amendment Act expressly specifies that the substituted provision shall come into force from a particular date subsequent to the date of amendment/the date the amendment comes into force, the said amendment is prospective in nature, notwithstanding the fact that such amendment is by way of 'substitution'.

38. In the light of the specific wording of the Notification, we are of the opinion that the amendment is intended to have effect from the date of Notification of the amended Act i.e., 04.04.2022. The provisions which were not in effect cannot be held to have been a part of the KIAD Act

from the date of its inception since that would lead to a legal perversity. From the pleadings and the materials on record, we are of the opinion that the amendment to Section 30 of the KIAD Act has been given effect to in respect of all acquisitions initiated after 01.01.2014. However, the contentions that the provisions would be applicable to pre 01.01.2014 notifications cannot be accepted. We also notice that the amended Section 30 of the KIAD Act also does not refer to the provisions of either Section 24 or Section 25 of the 2013 Act. We are therefore unable to accept the contention of the respondents that Section 24 and Section 25 can be pressed into service in the case of an acquisition under the KIAD Act, to which such provisions are not applicable.

39. In the above view of the matter, we are of the opinion that the judgment of the learned Single Judge was against the settled position of law and cannot be sustained. The appeals therefore succeed.

- (i) Writ Appeals are **allowed**. The findings of the learned Single Judge that Section 24(2) of the 2013 Act is applicable to acquisitions

under the KIAD Act initiated before 01.01.2014, shall stand vacated.

- (ii) Writ Petitions, which were the subject matter of the appeals shall stand **dismissed** with liberty to seek enhancement of compensation in accordance with law.
- (iii) Writ Petitions No.56771/2013, 35406/2014, 10489/2015, 23940/2015 and 12396/2020, insofar as they raise contentions with regard to applicability of 2013 Act to acquisitions initiated before 01.01.2014 shall stand **dismissed**. However, it is made clear that it will be open to the writ petitioners to avail the statutory remedies as available under the KIAD Act and seek enhancement of the compensation, in accordance with law.
- (iv) CCC No.100143/2023 shall be de-linked and listed separately for consideration.
- (v) In case, any other questions arise for consideration on merits *de-hors* what has been decided in these appeals, the land losers are free to take up such contentions in accordance with law in appropriate proceedings.

- (vi) The adequacy of the compensation is left open to be decided under the provisions of the KIAD Act.

Pending IAs., if any, in all the appeals and petitions, shall stand disposed of.

**Sd/-
(ANU SIVARAMAN)
JUDGE**

**Sd/-
(UMESH M ADIGA)
JUDGE**

cp*