

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 13TH DAY OF NOVEMBER, 2025

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MR. JUSTICE VENKATESH NAIK T

CIVIL CONTEMPT PETITION NO. 655 OF 2023

C/W

WRIT PETITION NO. 29219 OF 2023 (LA-UDA)

WRIT PETITION NO. 33513 OF 2024 (LB-RES)



IN CCC No. 655/2023:

BETWEEN:

1. CHAMUNDEWHWARI NAGARA SARVODAYA
SANGHA (R) NO 1131/6
C/O SHANTHA SOMASHEKAR,
9TH MAIN, S J H ROAD,
VIDYARANAYAPURAM,
MYSORE 570008,
REP BY ITS SECRETARY SRI BHOJARAJ
S/O LATE C.J. RAMEGOWDA
AGED ABOUT 65 YEARS

...COMPLAINANT

(BY SRI.D.R.RAVISHANKAR, SENIOR COUNSEL FOR
SRI. B.L.SANJEEV AND
SRI. B.S.SHRINIVAS, ADVOCATES)

AND:

1. SRI DINESH KUMAR
AGED ABOUT 43 YEARS
COMMISSIONER,
MYSURU URBAN DEVELOPMENT
AUTHORITY (MUDA)



JHANSI RANI LAXMIBAI ROAD,
MYSURU-570001.

- 1(a) A.N.RAGHUNANDAN,
COMMISSIONER,
MUDA.
JHANSI RANI LAXMIBAI ROAD,
MYSURU - 570001.
2. SRI VEERKUMAR JAIN
S/O LATE B.C.JAIN
AGED ABOUT 72 YEARS,
R/AT KUVEMPU NAGAR,
MYSURU - 570023.
3. DIRECTORATE OF ENFORCEMENT
MINISTRY OF FINANCE AND
DEPARTMENT OF REVENUE,
BANGALORE ZONAL OFFICE,
3RD FLOOR, BLOCK 'B', BMTC
SHANTHINAGAR TTMC, KH ROAD,
SANTHINAGAR, BANGALORE-560027.
4. THE DEPUTY DIRECTOR,
OFFICE OF THE JOINT DIRECTOR,
DIRECTORATE OF ENFORCEMENT,
BANGALORE ZONAL OFFICE,
3RD FLOOR, BLOCK B, BMTC
SHANTHINAGAR TTMC, KH ROAD,
SANTHINAGAR, BANGALORE 560027.

**VIDE COURT ORDER DATED 06.08.2025,
ACCUSED NO.3 AND 4 ARE DELETED.**

(AS PER SLP 11111-11115/2025 ORDER DATED
19.04.2025)

...ACCUSED

(BY SRI. GANAPATHI BHAT VAJRALLI, ADVOCATE FOR A-1;
SRI. M.B.NARGUND AND SRI T.P.VIVEKANAND, ADV.,
FOR A-1(a);
SRI. UDAYA HOLLA, SENIOR COUNSEL FOR
SRI. VENKATESH S.ARABATTI, ADVOCATE FOR A2)

THIS CCC IS FILED UNDER SECTIONS 11 AND 12 OF THE CONTEMPT OF COURTS ACT, BY THE COMPLAINANT, WHERE IN HE PRAYS THAT THE HON'BLE COURT BE PLEASED TO INITIATE CONTEMPT PROCEEDINGS AGAINST THE ACCUSED FOR WILLFUL DISOBEDIENCE TO THE ORDER DATED 19.4.2023 PASSED BY THIS HON'BLE COURT IN RP NO.135/2023 (VIDE ANNEXURE-A) AND PUNISH HIM IN ACCORDANCE WITH LAW.

IN WP NO. 29219/2023:

BETWEEN:

1. SRI VEER KUMAR JAIN
S/O LATE SRI B C JAIN,
AGED 72 YEARS,
R/AT KUVEMPU NAGAR
MYSURU - 570023.

...PETITIONER

(BY SRI. UDAYA HOLLA, SENIOR COUNSEL FOR
SRI. VENKATESH S ARBATTI., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REPRESENTED BY ITS PRINCIPAL SECRETARY
DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT,
VIKAS SOUDHA,
BANGALORE - 560 001.
2. THE STATE OF KARNATAKA
REPRESENTED BY ITS SECRETARY
DEPARTMENT OF URBAN DEVELOPMENT
VIKAS SOUDHA,
BANGALORE - 560 001.
3. THE MYSORE URBAN DEVELOPMENT AUTHORITY
REPRESENTED BY ITS COMMISSIONER
J.L.B.ROAD,
MYSORE - 570008

4. THE MYSORE URBAN DEVELOPMENT AUTHORITY
REPRESENTED BY ITS CHAIRMAN
J.L.B.ROAD, MYSORE-570008.

...RESPONDENTS

(BY SMT. PRATHIMA HONAPUR ALONG WITH
SMT. PRATHIBHA R.K., AGA FOR R-1 & R-2;
SRI. M.B.NARGUND AND SRI. T.P.VIVEKANAND, ADV,
FOR R-3;
SRI. H.M.SIDDARTH, ADVOCATE FOR R-4;
SRI. D.R.RAVISHANKAR, SENIOR COUNSEL FOR
SRI. B.L.SANJEEV AND SRI.B.S.SHRINIVAS, ADVOCATES
FOR PROPOSED RESPONDENT ON IA-1/2024;
SRI. PRATEEK CHANDRAMOULI, AND
SMT. VIDHYASHREE K.S., ADVOCATE FOR PROPOSED
RESPONDENT ON IA-1/2025)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND
227 OF THE CONSTITUTION OF INDIA, PRAYING TO-QUASH
RESOLUTION BEARING NO.13(4) DATED 21.03.2023
ANNEXURE-K PASSED BY R3 DECLARE THAT RESOLUTION
BEARING NO.13(4) DATED 21.03.2023 ANNEXURE-K PASSED
BY R3 AS ILLEGAL, ULTRA VIRES AND IS INCAPABLE OF
ENFORCEMENT IN RESPECT OF THE SCHEDULE LANDS IN
VIEW OF THE FACT THAT GOVERNMENT ORDER DATED
11.07.1997 IS QUASHED, ETC.

IN WP NO. 33513/2024:

BETWEEN:

1. SRI H R KRISHEGOWDA
S/O HR RAMEGOWDA,
AGED ABOUT 71 YEARS,
MIG 128, II MAIN, 5TH CROSS,
I BLOCK RAMAKRISHNANAGARA,
MYSURU-570 022.
2. SRI M.N.KRIPASHANKAR,
S/O LATE B.NAGENDRA
AGE ABOUT 57 YEARS
NO.64/3, ASHOKA ROAD,
MYSURU-570 001

3. SRI A.V.MANJUNATHA
S/O LATE A.V.VENKATASUBBAIAH
AGED ABOUT 66 YEARS,
NO.86, 2ND MAIN, 4TH CROSS,
SHARADANAGARA, RAILWAY LAYOUT,
BOGADI, MYSURU-570 026
4. SMT. H.K.SHARADA,
W/O C.R.BOJARAJ
AGE 64 YEARS,
NO.55, MIG-2,
LAKSHMIKANTHANAGARA, HEBBAL,
MYSURU-570 017
5. SRI H.V.VRUSHABENDRAPPA
S/O LATE H.C.VEERAPPA
AGE ABOUT 71 YEARS,
NO.115/2, 9TH MAIN
S.J.HOSTEL ROAD,
VIDYARANYAPURAM, MYSURU-570 008
6. SRI V.VENKATACHALA GOWDA
S/O VENKATAGIRIYAPPA,
AGE ABOUT 64 YEARS,
NO.155, CHIKKABEGURU
V.T.C. BEGURU POST,
BENGALURU-560 068
7. SRI UDAYANARAYANA
S/O S.K.VASUDEVA MURTHY,
AGE ABOUT 60 YEARS,
NO.384, VINAYAKA ROAD,
JANATHANAGARA,
MYSURU-570 006
8. SMT V SOUBHAGYAVATHI
W/O B N MADANRAJ
AGED ABOUT 77 YEARS
NO. 90 MR LASNE, MANAVARTHIPET
NEAR BALAJI COMPLEX
CHIKKPETE, BENGALURU 560053

9. SMT SUMA SHAILESH
W/O LATE B K SHAILESH
AGED ABOUT 56 YEARS
NO. 310, 6TH CROSS 1 STAGE
II BLOCK, KALYANA NAGARA
NEAR NAGARABHAVI
BANGALORE 560072

...PETITIONERS

(BY SRI. D.R. RAVISHANKAR, SENIOR COUNSEL FOR
SRI. B.L.SANJEEV AND SRI B.S.SHRINIVAS, ADVOCATES)

AND:

1. THE STATE OF KARNATAKA
DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT
VIKASA SOUDHA
AMBEDKAR VEEDHI
BANGALORE 560001
BY ITS SECRETARY
2. THE COMMISSIONER
MYSORE URBAN DEVELOPMENT AUTHORITY
JHANSI RANI LAXMIBAI ROAD
MYSORE 570004
3. THE DIRECTOR
TOWN PLANNING COMMITTEE
MYSORE URBAN DEVELOPMENT AUTHORITY
JHANSI RANI LAXMIBAI ROAD
MYSORE 570004

...RESPONDENTS

(BY SMT. PRATHIMA HONAPUR ALONG WITH
SMT. PRATHIBHA R.K., AGA FOR R-1;
SRI. M.B.NARGUND AND SRI. T.P.VIVEKANAND,
ADVOCATE FOR R-2 & R-3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND
227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH
THE ORDER BEARING NO. NAAAE 149 MAI AAPRAAA(BHAA-2)
BENGALURU DATED. 30.11.2024 PASSED BY THE R-1
PRODUCED AT ANNEXURE-J, ETC.

THIS CCC ALONG WITH WRIT PETITIONS HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 25.09.2025, COMING ON FOR PRONOUNCEMENT THIS DAY, **D K SINGH J.**, PRONOUNCED THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE D K SINGH
and
HON'BLE MR. JUSTICE VENKATESH NAIK T

CAV ORDER

(PER: HON'BLE MR. JUSTICE D K SINGH)

1. We have taken up for hearing the Writ Petition No. 33513/2024, Civil Contempt Case No. 655/2023 and Writ Petition No. 29219/2023 together, as the common facts and issues are involved in these cases.

2. **CCC No.655/2023:**

The contempt petition has been filed with the prayer to initiate contempt proceedings against the Commissioner of Mysuru Urban Development Authority (hereinafter referred to as 'the MUDA') for willful disobedience and non-compliance of the order dated 19.04.2023 passed by this Court in Review Petition No. 135/2023.

3. **Writ Petition No.33513/2024:**

This writ petition is filed against the order of the State Government, whereby the Government cancelled the Resolution dated 21.03.2023 passed by the MUDA. The said resolution would suggest that the petitioner- Chamundeshwari Nagara Sarvodaya Sangha (hereinafter referred to as 'Sangha') had submitted a representation to the MUDA for regularising the revenue sites in Survey Nos. 15/1-2, 18/4, 19/1-2, 20/1-2-3-4, 32, 38/1-2, 40/1-2-3 and 41/2 situated at Dattagalli Village, Mysuru Taluk. In the said resolution, the details of the litigations and various orders passed have been set out and then the resolution was passed which would read as under:

"Extensive discussion held. The commissioner explained the entire details of the case to the board. The said case is in the court for several years and at present, the court Order dated 27.02.2023 in Writ Appeal No. 437/2014 (LA-UDA) is in the favor of the authority. Hence, for implementation of the Government Order No. NaAaE 113 BhooBaDi 97 Bangalore dated 11.07.1997, the Commissioner is informed to bring to the notice of the government and take suitable action."

4. **Writ Petition No.29219/2023:**

This writ petition has been filed by Mr. Veer Kumar Jain for quashing the Resolution bearing No.13(4) dated 21.03.2023 passed by the MUDA.

I. **Brief history of the litigation:**

i. It would be apt to take note of the chequered history of the litigation of this case before proceeding to advert to the rival submissions advanced by the parties in support of their case. The MUDA, by the notification dated 15.03.1990, sought to acquire the lands in Survey Nos.15/1-2, 18/4, 19/1-2, 20/1-2-3- 4, 32, 38/1-2, 40/1-2-3 and 41/2 situated in Dattagalli Village, Mysuru Taluk and District for the purpose of development of a road and to construct Dattagalli Layout for which, Preliminary Notification under Section 17(1) and Final Notification under Section 19(1) of the Karnataka Urban Development Authorities Act, 1987 (hereinafter referred to as 'the KUDA Act') were issued.

ii. The Government issued an order on 11.07.1997 directing the MUDA to regularise the plots in the said layout and to allot the plots in the said survey numbers of Dattagalli Village to the

members of the petitioner-Sangha subject to the following conditions:

- "1. The plot owner must hand over the land to MUDA without any objections.*
- 2. The entire expenses of formation of layout must be borne by the owners or the Sangha, and an undertaking must be produced by them in this regard.*
- 3. The owners must comply with the orders issued by the authority from time to time.*
- 4. The owners or the Sangha must withdraw any suit filed against MUDA.*
- 5. The authority before making any allotment must inquire with the Sangha, whether any members have already been allotted revenue plots."*

iii. One Smt. Venkatamma and 6 others filed W.P.Nos.23488-494/1997 seeking to quash the Government Order dated 11.07.1997 referred to above. The learned Single Judge, vide the judgment and order dated 07.01.1998, dismissed the said writ petitions on the ground that the petitioners did not have any *locus standi* to maintain the writ petitions. However, the learned Single Judge also quashed the Government Order dated 11.07.1997 holding that the

Government did not have the power to issue such a Government order.

iv. The Sangha had filed W.A.Nos.824-830/1998 against the judgment of the learned Single Judge in W.P.Nos.23480-494/1997. However, W.A.Nos.824-830/1998 came to be dismissed by the Division Bench vide judgment and order dated 26.10.1998. Thus, the issue of quashing of the Government Order dated 11.07.1997 attained finality as no further proceedings were undertaken before the Supreme Court against the order passed by the Division Bench referred to above.

v. The Preliminary Notification and the Final Notification dated 15.03.1990 and 25.04.1991 respectively issued by the Government for acquiring the lands mentioned as above came to be challenged by the landowners by filing W.P.Nos.10621-629/1998. The learned Single Judge, vide judgment and order dated 17.09.1998, quashed the notifications issued under Sections 17(1) and 19(1) respectively under the provisions of the KUDA Act reserving liberty to the Government and the MUDA to pursue acquisition of the land, if they were so advised, from the stage of considering the objections and

representations that could be filed by the petitioners/landowners. The petitioners/landowners were permitted to file their objections within 30 days from the date of the judgment, without expecting any notice for the said purpose from the respondents under Section 17(5) of the KUDA Act and it was further said that the impugned declaration would be treated as notice under Section 17(5) of the KUDA Act.

vi. After the said judgment, the objections filed by the landowners were considered and a final notification was issued on 04.10.1999. The Land Acquisition Officer passed the award on 16.10.2000 and the notice of award was issued on 30.11.2000. The MUDA took possession of the lands on 08.12.2000, which would be evident from the mahazar drawn by the Revenue Inspector.

vii. The State Government thereafter issued a notification dated 15.09.2001 under Section 19(7) of the KUDA Act read with Section 48(1) of the Land Acquisition Act, 1894, denotifying certain lands which were acquired. Mr. Veer Kumar Jain, the petitioner in W.P.No.29219/2023 purchased the same denotified land through a registered sale deed. According to him, he purchased 17 acres and 21 guntas out of 21 acres of

land in the survey numbers under question. The MUDA, however, had opposed the notification dated 15.09.2001 issued by the Government denotifying the lands in the numbers under dispute and requested the Government to withdraw the said notification dated 15.09.2001. The State Government, upon noticing that the possession of the land had already been taken by the MUDA before the Government order for denotification was issued on 15.09.2001, withdrew the notification dated 15.09.2001 vide Government Order dated 22.07.2002.

viii. Mr. Veer Kumar Jain challenged the withdrawal of the notification dated 15.09.2001 by the Government Order dated 22.07.2002 in W.P.No.30425/2002. The said writ petition came to be allowed quashing the Government Order dated 22.07.2002 by which, the denotification of the Government Order dated 15.09.2001 was withdrawn. Writ Appeal No.1995/2007 filed by the MUDA against the judgment and order of the learned Single Judge dated 28.08.2007 in W.P.No.30425/ 2002 filed by Mr. Veer Kumar Jain came to be dismissed by the Division Bench vide judgment and order dated 04.12.2007.

ix. Aggrieved by the judgments and orders passed by the learned Single Judge in W.P.No.30425/2002 and in W.A.No.1995/2007 on 28.08.2007 and on 04.12.2007 respectively, the MUDA approached the Supreme Court by filing SLP which was converted into Civil Appeal No.2934/2010. The said Civil Appeal came to be allowed vide judgment and order dated 01.04.2010. The Supreme Court, while allowing the Civil Appeal, modified the orders passed by this Court. Both the notification dated 15.09.2001 denotifying the land and the subsequent notification dated 22.07.2002 withdrawing the notification dated 15.09.2001 were quashed. The State Government was directed to hear the request of the landowners for denotification afresh. It was left open to place such materials as would be available to them to show that the possession was not taken in regard to the lands in question and thereby, rebut the presumption raised in view of Section 16(2) of the Land Acquisition Act. Paragraph 15 of the judgment of the Supreme Court dated 01.04.2010 in Civil Appeal No.2934/2010 which is relevant is extracted hereunder:

"15. In view of the above, we allow this appeal and modify the orders of the High Court. Both the notifications dated 21.7.2002 and 15.9.2001 are quashed

and the state government is directed to hear the request of the, landowners for de-notification afresh. It will be open to the landowners to place such material as is available to them to show that the possession was not taken in regard to lands in question, and thereby rebut the presumption raised in view of Section 16(2) of Act; and then establish that circumstances warrant de-notification. On the other hand, a will, be also open to MUDA also to establish that possession was in fact taken and that power under section 48(1) could not therefore be exercised. The state government shall hear both the parties and pass appropriate orders in accordance with law within four months. Status quo will be maintained in regard to lands in question by the parties till then."

x. In compliance of the direction issued by the Supreme Court in its judgment dated 01.04.2010 passed in Civil Appeal No.2934/2010 and after hearing the landowners, the State Government passed the order dated 13.09.2010 rejecting the request of the landowners for denotification and further held that the MUDA had established that it had taken possession of the subject lands.

xi. Challenging the said Government Order dated 13.09.2010 passed by the State Government, Mr. Veer Kumar Jain filed W.P.No.32714/2010. The learned Single Judge dismissed the said writ petition, however, it was observed that it would be open to the petitioner to move the Supreme Court for pointing out violation, if any, committed by the State Government or the authority for suitable actions before that Court and the same could not be the scope of writ petition. The relevant paragraphs 14 to 19 of the said judgment are extracted hereunder:

"14.The scheme of the Land Acquisition Act, 1894 does not contemplate an opportunity to any and every person who may acquire some interest in the lands at some point of time. The nature of the proceedings is a compulsory take over of the lands, but a land owner is only entitled to So long as the seek compensation at market value. validity of the acquisition proceedings are not in issue. other aspects recede to the background as to whether the petitioner is the owner or his vendors were the owners earlier all fall into insignificance and ultimately the only question is as to whether who is entitled for receiving compensation.

15. Acquisition of private land for public purpose by compulsory take over of such land itself is based on the principle

that private interest has to yield in favour of public interest. Opportunity in such situations to a private owner is only private owner is only to ascertain as to whether the person himself was owner or there are other competing interest with such person who is notified as owner und also to know as to the genuine difficulties, grievances etc... All those stages were over by the time the petitioner acquired interest in the land. If at all, the petitioner is the owner of the land on this day entitlement in law is only to receive compensation and nothing more. The ground of violation of principles of natural justice etc.. cannot enter into a situation of this nature as that is taken care of by the principle private interest has to yield to a larger public interest. So long as the declaration stands, the other contentions, particularly, as to whether the Government notification etc., are all matters which do not confer any right in favour of any person. No person has a right for seeking denotification.

16. Writ Court will examine in the exercise of judicial review of administrative action only if an action is taken. as to whether it is in consonance with the statutory provisions or otherwise. There is no judicial review of any action not taken!

17. There is no compulsion on the part of the court to compel the authority or

the Government to come up with denotification nor can a writ of mandamus issued to the withdraw from acquisition proceedings. When such is the legal position, proceedings leading to denotification or otherwise is of no significance. Proceedings will have significance only if it results in some action. If notification under section 48 of the Land Acquisition Act, 1894 should have been brought before this court, examination can be made on the touchstone of statutory provisions or as to whether power has been exercised in a bona fide manner or not. Such are not questions raised in this writ petition.

18. There is no scope for examining the impugned proceedings under Article 226 of the Constitution of India.

19. Therefore, the writ petitions are dismissed."

xii. Feeling aggrieved by the aforesaid decision of the learned Single Judge dated 20.10.2010, Mr. Veer Kumar Jain filed W.A.No.788/2011 before the Division Bench of this Court. The Division Bench, vide judgment and order dated 30.08.2012, held that the case of the petitioner-Veer Kumar Jain was not considered by the learned Single Judge on merits and therefore, set aside the judgment of the learned Single Judge and remanded the matter back to the learned Single Judge with

a request to reconsider the case of the petitioner on merits and in accordance with the law. The learned Single Judge once again considered the facts and circumstances of the case and affirmed the earlier decision upholding the decision of the State Government to reject the petitioner's application seeking withdrawal from acquisition. The learned Single Judge placed reliance on the communication dated 18.12.2000 from the Divisional Commissioner to the Government wherein it was stated that the possession of the scheduled land was already taken. The said decision of the learned Single Judge is dated 28.01.2014.

xiii. Against the decision dated 28.01.2014 of the learned Single Judge passed in W.P.No.32714/2010 on remand, Mr. Veer kumar Jain filed W.A. No.437/2014. The writ appeal, however, came to be dismissed vide judgment and order dated 27.02.2023. The Division Bench held that the State Government could withdraw from acquisition, provided the possession of the lands in question had not been taken. On perusal of the record, the learned Single Judge had found that on 08.12.2000, the possession of the lands in question was taken and the mahazar had been withdrawn which was placed

on record. Paragraph 6 of the said judgment dated 27.02.2023 passed by the Division Bench in Writ Appeal No.437/2014 is extracted hereunder:

"6. We have heard the learned counsel for the parties at length. It is trite that the State Government can withdraw from the acquisition, provided the possession of the land in question has not been taken. On perusal of the record, the learned Single Judge has found that on 08.12.2000, possession of the land in question was taken and a mahazar has been drawn which was placed on record. The learned Single Judge has also referred to the communication dated 18.12.2000 sent by the Divisional Commissioner to the Government wherein it has been stated that the possession of the land in question has already been taken. Thus, the power to withdraw from the acquisition of the land could not have been exercised by the State Government. There is no infirmity with the order dated 13.09.2010. The learned Single Judge therefore, has rightly declined to entertain the petition."

xiv. Against the judgment of the Division Bench dated 27.02.2023 passed in Writ Appeal No.437/2014, Mr. Veer Kumar Jain preferred Special Leave to Appeal (C)

No.14868/2023. The Supreme Court had dismissed the said special leave petition with costs of Rs. 50,000/-. It was, however, observed that as the petitioner had filed the review petition seeking review of the judgment and order dated 27.02.2023 passed by the Division Bench in Writ Appeal No. 437/2014, he would be at liberty to prosecute the review petition pending before the High Court in accordance with law. Paragraphs 5 to 8 of the said order passed by the Supreme Court on 24.07.2023 are extracted hereunder:

"5.We are surprised that the petitioner herein who was impleade as respondent No.19 in W.P. Nos: 51523-662/2015 which was dismissed by the learned Single Judge on 06.12.2016 against which W.A. filed by the unsuccessful petitioners therein which was also dismissed on 27.02.2023 and thereafter Review Petition No.135 of 2023 filed by them was also dismissed on 19.04.2023, has approached this Court by filing this special leave Nos. 5681-5812/2017 petition.

6.What is strange is that the aforesaid respondent (petitioner herein) in all the above matters has approached this Court by challenging the aforesaid orders passed by the High Court when he was only a respondent and not a petitioner or appellant in those cases

which have been dismissed by the High Court. We think the filing of this special leave petition is a gross abuse of the process of this Court and hence, the special leave petition is dismissed with cost of Rs.50,000/- (Rupees Fifty Thousand only) to be deposited by the petitioner to the Registry of this Court within a period of four weeks from today. On such deposit being made, the same shall be transferred to the Supreme Court Legal Services Committee.

7.However, at this stage, learned senior counsel, Sri Bhat, has brought to the notice of this Court that the petitioner herein had oled W. P. No.32714/2010 which was dismissed by the learned Single judge of the High Court on 20.10.2010. Writ Appeal No.788/2011 was lowed by the Division Bench of the High Court and the matter was remanded to the learned Single Judge. Thereafter, the learned single Judge by order dated 28.01.2014 dismissed the writ petition asgainst which writ Appeal No.437/2014 was filed and it was also as dismissed on 27.02.2023. As against the said order, Review Petition has been filed and is stated to be pending before the Division pet Bench of the High Court. The petitioner is at liberty to prosecute the Review Petition pending before the High Court in accordance with law.

8.The special leave petition is, accordingly, dismissed in view of the aforesaid terms."

II. LITIGATION BY SANGHA

i. It would be also required to take note of the litigation undertaken by the petitioner-Sangha. The petitioner-Sangha was formed by site purchasers in the said survey numbers in order to resolve their grievances. The said Sangha gave a representation to the State Government which directed the MUDA to stop demolitions and to consider the case of the site owners. In pursuance to such directions, various proceedings took place between the Sangha, the Government and the MUDA regarding regularising the position of the members of the Sangha.

ii. W.P.Nos.51523-662/2015 was filed by the Sangha seeking for a direction to consider its representation and to regularise and allot the sites at Sri Chamundeshwari Nagara Layout formed in Survey Nos.15/1-2, 18/4, 19/1-2, 20/1-2-3, 27/1-2-3-4, 32, 38/1-2, 40/1-2-3 and 41/2 of Kharab land situated in Dattagalli Village, Mysuru Taluka and District. These writ petitions came to be dismissed by the learned Single Judge

vide judgment and order dated 06.12.2012. The Sangha filed W.A.No.45681/2017 impugning the judgment and order dated 06.12.2012 passed by the learned Single Judge, and the Division Bench dismissed W.A.No.5681/2017 vide judgment and order dated 27.02.2023.

iii. The Division Bench was of the view that the lands in respect of which the members of Sangha were seeking regularisation were subject matter of acquisition proceedings pending in W.A.No. 437/2014.

iv. After the dismissal of W.A.No.437/2014 filed by Mr. Veer Kumar Jain, the Sangha made an application to the MUDA requesting to allot sites to its members in the lands in question as per the Government Order dated 11.07.1997. The Sangha also filed Review Petition No. 135/2023 before this Court seeking review of the judgment and order dated 27.02.2023 passed in W.A.No.5681/2017.

v. The MUDA placed the subject of implementation of the Government Order dated 11.07.1997 in the Board meeting held on 21.03.2023 and a resolution bearing No. 13(4) was passed on 21.03.2023 as referred to above to bring it to the notice of the Government to implement the Government Order dated

11.07.1997. The Division Bench, therefore, on 19.04.2023, disposed of Review Petition No.135/2023 filed by the Sangha and observed that it would be open to the MUDA to take action for allotment of sites in favour of the petitioners in W.P.Nos.51523-662/2015. The members of the Sangha have filed Civil Contempt Case No. 655/2023 alleging willful disobedience and non-compliance of the order dated 19.04.2023 passed in Review Petition No.135/2023.

III. The Issue/Question in CCC No.655/2023:

The question which requires consideration in CCC No.655/2023 is whether the order passed on 19.04.2023 in Review Petition No.135/2023 can be implemented or the said order was obtained by misleading this Court?

i. Having given the chequered history of litigation, it is evident that vide order dated 11.07.1997, the Government directed the MUDA to regularise the plots in the layout. The survey numbers in question were set aside by the learned Single Judge and upheld by the Division Bench in its judgment and order dated 26.10.1998 in W.A.Nos.824-830/1998. Once the said Government order was not in existence, could the

allotment of sites be directed on the basis of the said Government order which was no longer in existence?

ii. It would also be relevant to take note of the fact that soon after the filing of the review petition seeking review of the judgment and order dated 27.02.2023, the Resolution dated 21.03.2023 came to be passed by the MUDA at the instance of the then Commissioner, who is facing criminal prosecution for his gross misconduct, money laundering etc. The Commissioner misled the board members in passing the resolution dated 21.03.2023. There could have been no question for implementing the Government Order dated 11.07.1997 which was quashed by this Court. The Resolution sought the Government's approval for implementing the quashed Government Order dated 11.07.1997 for denotifying the plots in question and regularizing the plots in favor of the members of the petitioner-Sangha.

iii. The timing of filing of the review petition and the resolution is interesting to take note of. The review petition was filed on 16.03.2023 and the resolution came to be passed on 21.03.2023. One can safely draw the conclusion that once the Sangha was able to persuade the Commissioner for passing the

resolution, they moved the review petition and soon thereafter, the resolution was passed. We have no hesitation to say that filing of the review petition was not an usual act on behalf of the Sangha. The resolution passed by the MUDA on 21.03.2023 was an illegal and *mala fide* exercise of the powers of the MUDA inasmuch as it sought to implement the Government Order dated 11.07.1997 which did not exist.

iv. Without taking note of the fact that the Government Order dated 11.07.1997 was not in existence, the Division Bench passed the order in the review petition on 19.04.2023 to give effect to the MUDA's resolution dated 21.03.2023. The said resolution itself was based on the non-existent Government Order dated 11.07.1997. The resolution dated 21.03.2023 cannot be given effect to and the order dated 19.04.2023 was obtained by misleading this Court. Further, under the provisions of Section 67 of the KUDA Act, the Commissioner is duty bound to submit to the Government, the copies of all the resolutions of the Authority and the Government has the power to cancel, in whole or in part, any resolution passed by the Authority. It would be apt to take note of Section 67 of the KUDA Act, which reads as under:

"67. Submission of copies of resolutions and Government's power to cancel the resolution or order.- (1) The Commissioner shall submit to the Government copies of all resolutions of the Authority.

(2) If the Government is of opinion that the execution of any resolution or order issued by or on behalf of the Authority or the doing of any act which is about to be done or is being done by or on behalf of the Authority is in contravention of or in excess of the powers conferred by this Act or any other law for the time being in force or is likely to lead to a breach of peace or to cause injury or annoyance to the public or to any class or body of persons or is prejudicial to the interests of the Authority, it may, by order in writing suspend the execution of such resolution or order or prohibit the doing of any such act after issuing a notice to the Authority to show cause, within the specified period which shall not be less than fifteen days, why,- (a) the resolution or order should not be cancelled in whole or in part, or

(b) any regulation or by-law concerned should not be repealed in whole or in part.

(3) Upon consideration of the reply, if any, received from the Authority and after such inquiry as it thinks fit, the Government may pass orders cancelling

the resolution or order or repeal the regulations or bye-law and communicate the same to the Authority.

(4) The Government may at any time on further representation by the Authority or otherwise, revise, modify, or revoke an order passed under subsection(3)."

v. As the Resolution dated 21.03.2023 was passed in *mala fide* exercise of the powers by the MUDA and as it sought to implement the Government Order dated 11.07.1997 which was no longer in existence, the Government has rightly cancelled the said resolution vide order dated 30.11.2024 impugned in W.P.No.33513/2024. The Government had noted that in passing the Resolution dated 21.03.2023, the MUDA had violated the KUDA Act and Rules. The relevant extract of the Government Order dated 30.11.2024 is extracted hereunder:

"On examining the clarification provided by the Commissioner, Mysore Urban Development Authority, it is found that there is a clear violation of the prevailing Act and Rules as described above Furthermore, it is very important to note that the Hon'ble Court, in its order dated 07.01.1998 in Writ Petition No. 23488/1997, had quashed Government Order No. Na A.1 113

Bhubadi 1997 dated 11.07.1997, and also dismissed Wit Appeal Nos. 824-830/1998 filed by the Chamundeshwari Nagar Sarvodaya Sangha in relation to the same matter Despite this, the Mysore Urban Development Authority, in its General Body Meeting held on 21.03.2023 under Agenda Item No. 13(4), decided to implement the said Government Order No. Na.A.1 113 Bhubadi 1997 dated 11.07.1997, without considering this crucial fact. This decision is illegal, and the clarification provided by the Commissioner in this regard is not acceptable.

After carefully examining the above explanations, the Government has ordered as follows:

*Government Order No.: Na.A.I 149 My
APRA 2023 (Part-2),*

Bengaluru, Dated: 30.11.2024

In view of the facts detailed in the preamble, the Government hereby cancels the decision taken under Subject No. 13/4) of the General Meeting of the Mysuru Urban Development Authority held on 21.03.2023, by exercising the powers conferred under Section 67(3) of the Karnataka Urban Development Authorities Act, 1987."

IV CONCLUSION:

i. We are, therefore, of the considered view that the Government Order dated 30.11.2024 is perfectly justified as it is within the powers of the State Government and does not require any interference. Thus, we dismiss W.P. No.33513/2024.

ii. CCC No.655/2023 filed by the Sangha also stands dismissed as the order dated 19.04.2023 passed in Review Petition No.135/2023 was obtained by misleading the Court. The Court was not placed with the correct facts. The Court was made to believe that the Government Order dated 11.07.1997 was in existence and therefore, the order dated 19.04.2023 was passed in the review petition. As the order dated 19.04.2023 was passed by misleading the Court, it cannot be given effect to and no contempt can be said to have been committed by the alleged contemnor. Further, the Government has cancelled the resolution dated 21.03.2023 passed by the MUDA vide Government Order 30.11.2024 in exercise of its powers under Section 67(3) of the KUDA Act and we have dismissed the writ petition challenging the Government Order dated 30.11.2024. The cancelled resolution dated 21.03.2023, even otherwise,

cannot be given effect to. Thus, we hold that no contempt has been committed by the alleged contemnor, therefore, we dismiss the contempt petition.

iii. We also dismiss W.P.No.29219/2023 filed by Mr. Veer Kumar Jain as infructuous insofar as it relates to challenge to the MUDA's Resolution dated 21.03.2023 is concerned as the Resolution dated 21.03.2023 has been cancelled by the Government Order dated 30.11.2024.

iv. Despite the dismissal of W.P.No.29219/2023, the MUDA and the State Government may take a decision independent of the Government Order dated 11.07.1997 for allotment of sites to the Members of the Sangha as per the relevant policy in this regard.

v. We have been informed that in pursuance to the Resolution dated 21.03.2023 of the MUDA, several sale deeds have been registered in favour of some members of the Sangha and few have been left out. If the State Government is not canceling the sale deeds already executed in favour of some Members of the Sangha, the other Members of the Sangha are also to be given similar treatment.

**CCC No. 655 of 2023
C/W WP No. 29219 of 2023
WP No. 33513 of 2024**

With aforesaid directions, we close these proceedings.

In view of disposal of the petitions, pending interlocutory applications, if any, do not survive for consideration and they stand disposed of.

**Sd/-
(D K SINGH)
JUDGE**

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

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