



IN THE HIGH COURT OF KARNATAKA AT BENGALURU



DATED THIS THE 20TH DAY OF JANUARY, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MR. JUSTICE S RACHAIAH

WRIT PETITION NO. 9435 OF 2023 (LA-BDA)

BETWEEN:

1. SMT. SUNITHA PATIL
W/O SRI UMESH PATIL,
AGED ABOUT 41 YEARS,
R/AT HOUSE NO.2153, D-BLOCK,
OPPOSITE CORPORATION BANK,
SAHAKARANAGAR,
BENGALURU-560009.

...PETITIONER

(BY SRI DHYAN CHINNAPPA, SENIOR ADVOCATE FOR
SRI SUNDARA RAMAN M.V., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
DEPARTMENT OF URBAN DEVELOPMENT,
REPRESENTED BY ITS
ADDITIONAL CHIEF SECRETARY,
VIKASA SOUDHA,
BENGALURU-560001.
2. THE BANGALORE DEVELOPMENT AUTHORITY
REPRESENTED BY ITS COMMISSIONER,
T. CHOWDAIAH ROAD,
KUMARA PARK WEST,
BENGALURU-560020.





3. THE ADDITIONAL LAND ACQUISITION OFFICER
THE BANGALORE DEVELOPMENT AUTHORITY,
T. CHOWDAIAH ROAD, KUMARA PARK WEST,
BENGALURU-560020.
4. JUSTICE K N KESHAVANARAYANA COMMITTEE
(CONSTITUTED BY THE HON'BLE
HIGH COURT OF KARNATAKA
IN WRIT PETITION NO.51929/2014
AND CONNECTED PETITIONS),
REPRESENTED BY ITS CHAIRMAN,
KRISHI BHAVAN, 4TH FLOOR,
HUDSON CIRCLE, BENGALURU-560002

...RESPONDENTS

(BY SRI MOHAMMAD JAFFAR SHAH, AGA FOR R-1;
SRI SACHIN B.S., ADVOCATE FOR R-2 & R-3;
SMT. VARSHITHA .K, ADVOCATE FOR
SRI DEEPAK BHASKAR, ADVOCATE FOR
PROPOSED RESPONDENTS;
NOTICE TO R-4 IS DISPENSED WITH VIDE ORDER
DATED 09.06.2023)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO
QUASH THE IMPUGNED ORDER/REPORT PASSED IN KNKC
NO.95/2022 (RACHENAHALLI) DATED 23.02.2023 PASSED BY
THE 4TH RESPONDENT (ANNEXURE-A) AND ETC.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY,
ORDER WAS MADE THEREIN AS UNDER:



CORAM: HON'BLE MR. JUSTICE D K SINGH
and
HON'BLE MR. JUSTICE S RACHAIAH

ORAL ORDER

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

1. The present writ petition has been filed seeking to quash the order/report of Justice K.N. Keshavanarayana Committee (hereinafter referred to as 'the KN Committee') in KNKC No.95/2022 (Rachenahalli) relating to the W.P.Nos.37446-37449/2014 and the Representation Nos.429797 and 429487.

BACKGROUND:

2. The Bangalore Development Authority (BDA) issued a Preliminary Notification under Section 17(3) of the Bangalore Development Authority Act, 1976 (hereinafter referred to as 'the BDA Act') for acquisition of 3339 acres of land for formation of Arkavati Layout on 03.02.2003. A modified Preliminary Notification came to be issued on 16.09.2003 showing the extent of land as 3839 acres 12 guntas situated in the 16 villages including Rachenahalli.



3. Notices under Section 17(5) of the BDA Act were issued. No objection was received in respect of 91 acres 7 guntas, however, objections received in respect of 2658 acres were rejected. The BDA resolved to delete 1089 acres 12 guntas of land and to obtain sanction for 2750 acres for forming the Arkavati Layout. Accordingly, the scheme formulated came to be sanctioned by the Government of Karnataka under Section 18(3) of the BDA Act for 2750 acres of land. The Final Notification dated 23.02.2004 was issued for acquisition of 2750 acres of land situated in the 16 villages including Rachenahalli village. The award came to be passed to an extent of 1618.38 acres. The BDA claims to have taken possession in respect of 1459.37 acres of private land and 459.16 acres of Government land and in all, 1919.13 acres of land. The BDA also claims to have formed the layout by carving 14103 plots/sites apart from developing the roads, drains, civic amenity sites etc.

4. The said land acquisition proceedings came to be questioned before this Court by filing writ petitions on several grounds in W.P.Nos.51119-51132/2004 and other connected



matters. The learned Single Judge allowed the writ petitions by declaring that the BDA has no jurisdiction to frame developmental schemes in Bangalore Metropolitan Area amongst granting other reliefs. This order passed by the learned Single Judge was challenged in W.A.No.2625/2005 and connected matters. Since some of the writ petitions had also been filed challenging the acquisition of lands for formation of Arkavati Layout on the grounds which had been upheld by the learned Single Judge, the writ appeals and the writ petitions which were filed after passing of the order by the learned Single Judge were taken up together for consideration by the Division Bench. The Division Bench in the matter of ***THE COMMISSIONER, BDA AND OTHERS vs STATE OF KARNATAKA, BY ITS SECRETARY*** reported in ***ILR 2006 KAR 318***, by the order dated 25.11.2005 allowed the writ appeals filed by the BDA and the State and set aside the order of the learned Single Judge dated 15.04.2005 and dismissed the challenge laid to the acquisition of lands for formation of Arkavati Layout. The acquisition of lands was upheld by the Division Bench subject to the conditions stipulated thereunder.



5. The Division Bench of this Court in the case of **COMMISSIONER, BDA** (*supra*) has upheld the acquisition of lands for formation of Arkavati Layout subject to the following conditions:-

(a) In so far as the site owners are concerned they are entitled to the following reliefs:—

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

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

(iii) BDA will treat them as applicants entitled to priority in allotment and allot each of them a site measuring 30' × 40' in Arkavathi Layout or in any other nearby layouts in Bangalore at the prevailing allotment prices subject to petitioners satisfying the twin requirements for allotment under the BDA (Allotment of Sites) Rules, 1984, that they



must be the residents of Bangalore (ten year domicile) and should not be owning any residential property in Bangalore.

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

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

(vi) If any of the petitioners does not fulfil the requirements for allotment, under the allotment Rules, their cases may be considered for allotment of 20' x 30' sites as per the Rules containing incentive scheme for voluntary surrender of lands. For the purpose of the said scheme, such petitioners will be



deemed to have voluntarily surrendered the sites.

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

(D) In so far as the land owners excluding the site owners, are entitled to the following reliefs:—

(i) All the petitioners who are the land owners who are seeking dropping of the acquisition proceedings in so far as their respective lands are concerned, on the ground that: (a) their lands are situated within green belt area; (b) they are totally built up; (c) properties wherein there are buildings constructed by charitable, educational and/or religious institutions (d) nursery lands; (e) who have set-up factories (f) their lands are similar to the lands which are adjoining their lands but not notified for acquisition at all, are permitted to make appropriate application to the authorities seeking such exclusion and exemption and producing documents to substantiate their contentions within one month from the date of this order.

It is made clear that the BDA shall consider such request keeping in mind the status of the land as on the date of preliminary notification and to exclude any developments, improvements, constructions put up subsequent to the preliminary notification and then decide whether their cases are similar to that of the land owners whose lands, are notified for acquisition, notified and whose



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objections were upheld and no final notification is issued.

In the event the BDA comes to the conclusion that the lands of those persons are similarly placed, then to exclude those lands from acquisition.

(ii) Petitioners who are interested in availing this benefit shall make appropriate application within 30 days from the date of this order and thereafter the BDA shall give notice to those persons, hear them and pass appropriate orders expeditiously.

(iii) Till the aforesaid exercise is undertaken by the BDA and the applications filed by the petitioners either for allotment of site or for denotifying or exemption sought for are considered their possession shall not be disturbed and the existing construction shall not be demolished. After consideration of the applications, in the light of the aforesaid directions, if the lands are not excluded then the BDA is at liberty to proceed with the acquisition."

6. The order passed by the Division Bench dated 25.11.2005 came to be challenged before the Supreme Court. The Supreme Court, after considering the rival contentions, in the matter of **BONDU RAMASWAMY AND OTHERS VS BANGALORE DEVELOPMENT AUTHORITY AND OTHERS** reported in **([2010] 7 SCC 129)** (hereinafter referred to as '**BONDU RAMASWAMY's case**') upheld the decision of the Division



Bench subject to BDA's action to take certain corrective measures by requiring it to re-examine certain aspects and provide an option to the land losers to secure some additional benefit as an alternative to accept the acquisition. In other words, the directions issued by the Division Bench was affirmed, subject to further directions and clarifications. The Supreme Court also observed that all allotments made by the BDA either by forming layouts or by way of bulk allotments would be subject to the modified directions issued.

7. In **BONDU RAMASWAMY's** case (*supra*), while upholding the judgment of the Division Bench, the Supreme Court, in paragraph 160, gave further directions and clarifications as under:

"160. In view of the foregoing, we affirm the directions of the Division Bench subject to the following further directions and clarifications:

(i) In regard to the acquisition of lands in Kempapura and Sriramapura, BDA is directed to reconsider the objections to the acquisitions having regard to the fact that large areas were not initially notified for acquisition, and more than 50% of whatever that was proposed for acquisition was also subsequently deleted from acquisition. BDA has to consider whether in view of deletions to a large extent, whether development with



respect to the balance of the acquired lands has become illogical and impractical, and if so, whether the balance area also should be deleted from acquisition. If BDA proposes to continue the acquisition, it shall file a report within four months before the High Court so that consequential orders could be passed.

(ii) In regard to villages of Venkateshapura, Nagavara, Hennur and Challakere where there are several very small pockets of acquired lands surrounded by lands which were not acquired or which were deleted from the proposed acquisition, BDA may consider whether such small pockets should also be deleted if they are not suitable for forming self-contained layouts. The acquisition thereof cannot be justified on the ground that these small islands of acquired land, could be used as a stand-alone park or playground in regard to a layout formed in a different unconnected lands in other villages. Similar isolated pockets in other villages should also be dealt with in a similar manner.

(iii) BDA shall give an option to each writ petitioner whose land has been acquired for Arkavathi Layout:

(a) to accept allotment of 15% (fifteen per cent) of the land acquired from him, by way of developed plots, in lieu of compensation (any fractions in excess of 15% may be charged prevailing rates of allotment);

OR

(b) in cases where the extent of land acquired exceeds half an acre, to claim in addition to compensation (without prejudice to seek reference if he is not satisfied with the quantum), allotment of a plot measuring 30' × 40' for every half acre of land acquired at the prevailing allotment price.



(iv) Any allotment made by BDA, either by forming layouts or by way of bulk allotments, will be subject to the above."

8. Pursuant to the said clarifications and directions issued by the Supreme Court, the BDA had undertaken the exercise and had recommended certain lands to be excluded from the entire acquisition by submitting a re-modified scheme for approval by the State Government and the State Government, in terms of the order dated 03.04.2014, had approved the same.

9. By virtue of the aforesaid order passed by the Supreme Court and keeping in view the additional directions issued, the State Government had issued a Notification dated 18.03.2011 declaring that the land owners would be entitled for allotment of developed plots in the ratio of 60:40 in 55% of the land acquired after deducting the land to be utilized for the civic amenity purposes.

10. It appears that the BDA had conducted an enquiry pursuant to the directions issued by the Division Bench and the Supreme Court in **BONDU RAMASWAMY's** case (*supra*). The applications and the representations submitted by the various



applicants were considered and a report was placed before the Board of the BDA. The BDA had approved the report and restricted the total area to 176.07 acres of land for acquisition by deleting 983.33 acres vide Resolution No.79/2013 dated 12.02.2013. The deleted lands measuring 983.33 acres included 198 acres 20 guntas of denotified land and 83 acres 8 guntas of land in respect of which acquisition proceedings had already been quashed in different cases. The said report was submitted by the BDA to the State Government and the State Government issued a modified scheme and thereafter, the Notification dated 18.06.2014 came to be issued under which, an extent of 1766 acres and 7 guntas of land was sought to be acquired after deleting 983.33 acres of land from the acquisition proceedings.

11. As there were allegations of large scale corruption and arbitrary and *mala fide* exercise of powers by the authorities in deleting the lands for considerations other than legal and valid and including the lands which should have been deleted, a number of writ petitions came to be filed before this Court in



Writ Petition No.51929/2014 connected with batch of other writ petitions challenging the Notification dated 18.06.2014.

12. The learned Single Judge, having considered the contentions and finding some substance in the allegations, vide judgment dated 27.09.2021 passed in W.P.No.51929/2014 and other connected writ petitions constituted a three-member Committee under the Chairmanship of former Judge of this Court namely, Hon'ble Mr. Justice K.N. Keshavanarayana giving the mandate to the Committee to examine the claims afresh and ensure that there would be clear and absolute transparency in the said process and also to look into the various aspects of exclusion/inclusion of lands in the final notification. This Court rejected the challenge to the preliminary and final notifications as well as the Notification dated 18.06.2014 and the acquisition of the lands for formation of Arkavati Layout was upheld. This Court disposed of the W.P.No.3178/2017 and other similarly placed writ petitions by directing the BDA to place the representations of all the applicants/petitioners submitted for allotment of sites for being considered by the Committee constituted. It was also made clear that all such applications



which were filed for allotment of sites under any of the categories specified in the order of the Division Bench or the Supreme Court in **BONDU RAMASWAMY's** case (*supra*) should be considered by the Committee, keeping in mind directions issued thereunder and subject to the order passed therein. The deletion or denotification recommended by the BDA or made by the BDA or by the Government would be subject to the certification or approval by the Committee to the effect that such deletion of land was in accordance with the law laid down by the Division Bench and the directions/clarifications issued by the Supreme Court in **BONDU RAMASWAMY's** case (*supra*).

13. This Court made it clear that the applicants/petitioners who were claiming relief based on the sale transactions which had taken place subsequent to the issuance of the Preliminary Notification dated 03.02.2003 would not be entitled to any protection or relief whatsoever and their claim was rejected. It was also made clear that neither the Committee nor the BDA would be required to examine or consider the claim where dispute with regard to the title was involved.



14. The direction Nos.(xi) to (xiv) which are relevant, are extracted hereunder:-

"(xi)The applicants/writ petitioners who are claiming relief based on sale transactions which has taken place subsequent to issuance of Preliminary Notification dated 03.02.2003, would not be entitled to any protection or relief whatsoever and their claim stands rejected.

(xii) It is also made clear that neither the Committee nor the BDA would be required to examine or consider the claim where dispute with regard to title is involved.

(xiii) The BDA shall allot the site to all such applicants in whose favour allotment had been made and later cancelled on the ground of same site having been allotted to two (2) persons or cancelled for whatsoever reason like it has fallen in the land deleted from acquisition and like reasons.

*(xiv) All deletions or denotification recommended by the BDA or made by BDA or by the Government, is subject to the certification or approval by the Committee to the effect that such deletion of land is in accordance with the law laid down by the Division Bench and directions/clarifications issued by the Apex Court in **BONDU RAMASWAMY's** case."*

15. The Committee constituted under the Chairmanship of Hon'ble Mr. Justice K.N.Keshavanarayana, Former Judge of this



Court, was also required to examine *inter alia* as to whether the deletion of lands from acquisition made by the BDA was within the parameters fixed by the Division Bench and the Supreme Court in **BONDU RAMASWAMY's** case by examining every such deletion made on case to case basis, particularly with reference to the deletion made on the ground of adjacent lands having been deleted. The Committee has been mandated to consider all such representations received by the BDA pursuant to the decision of the Division Bench and the judgment in **BONDU RAMASWAMY's** case by the Supreme Court and submit a report to the BDA as to whether such claim would fall within the exceptions carved out under the aforesaid judgment for deleting the lands or not and thereafter, the BDA should take steps to delete or include such lands from the acquisition.

FACTS OF THE PRESENT CASE:

16. One Smt. Doddapapamma w/o Thamaiah had purchased the land measuring 32 1/2 guntas in Survey No. 103/3, 1 acre 1 gunta of land in Survey No.103/4 and 7 1/2 guntas in Survey No.103/5 of Rachenahalli Village vide Sale Deed dated 09.07.1971. The Deputy Commissioner issued conversion



order dated 17.07.1992 from agricultural to residential purpose insofar as Survey Nos.103/2, 103/3 and 103/5 of Rachenahalli Village. Thereafter, vide order dated 18.07.1992, the Deputy Commissioner issued conversion order from agricultural to residential purpose insofar as Survey No.103/1 of Rachenahalli Village. Smt. Doddapapamma had executed General Power of Attorney in favour of one R. Lokesh on 23.04.1993 and R. Lokesh had executed the sale deed of the site bearing No.297 measuring 40' x 60' carved out of Survey Nos.103/2, 103/3 and 103/5 of Rachenahalli Village in favour of one Manjula on 04.03.1994. On 07.03.1994, R. Lokesh had executed the sale deed of the site bearing No.296 measuring 40' x 60' carved out of Survey Nos.103/2, 103/3 and 103/5 of Rachenahalli Village in favour of K. Venkatesh as well as the site bearing No.299 measuring 40' x 60' carved out of Survey Nos.103/2, 103/3 and 103/5 of Rachenahalli Village in favour of one Rajgopal P.B. On 19.03.1994, R. Lokesh executed the sale deed of the site bearing No.298 measuring 40' x 60' carved out of Survey Nos. 103/2, 103/3 103/5 of Rachenahalli Village in favour of one R. Raghu.



17. The BDA had issued the preliminary notification on 03.02.2003 for formation of Arkavati Layout including Survey No.103/4 measuring 1 acre 1 gunta of Rachenahalli Village. The notified Khathedar was Smt. Doddapapamma w/o Thamaiah. The final notification had been issued for formation of Arkavati Layout on 23.02.2004 including the land in Survey No.103/4 measuring 1 acre 1 gunta. It is stated that the Land Acquisition Officer, after taking possession of the land on 04.12.2004, had passed an award on 08.09.2004 which was approved on 10.11.2004. It is further stated that on 03.03.2010, Smt. Doddapapamma had cancelled the General Power of Attorney executed in favour of R. Lokesh. On 29.04.2010, K. Venkatesh sold the site bearing No.296 carved out of Survey Nos.103/2, 103/3 and 103/5 of Rachenahalli Village to one C. Sridhar. Similarly, on 29.04.2010, Rajgopal P.B. sold the site bearing No.299 carved out of Survey Nos.103/2, 103/3 and 103/5 of Rachenahalli Village to one C. Sridhar on the same date i.e., 29.04.2010.

18. On 26.07.2010, Manjula had sold the site bearing No.297 carved out of Survey Nos.103/2, 103/3 and 103/5 of



Rachenahalli Village to one N. Srinivas Rao. On 26.07.2010, R. Raghu sold the site bearing No.298 carved out of Survey Nos.103/2, 103/3 and 103/5 of Rachenahalli Village to N. Srinivas Rao. On 05.07.2012, C. Sridhar had sold the sites bearing Nos.299 and 296 both carved out of Survey Nos.103/2, 103/3 and 103/5 of Rachenahalli Village to the petitioner and on the same date i.e., 05.07.2012, N. Srinivas Rao also sold the site bearing Nos.298 and 297 both carved out of Survey Nos.103/2, 103/3 and 103/5 of Rachenahalli Village to the petitioner.

19. Smt. Doddapapamma and others had filed W.P.No.11128/2013 seeking mandamus directing the respondent to release the award of compensation or alternative land to them. This Court disposed of the said writ petition directing the BDA to grant cash compensation or land in lieu of cash compensation to the petitioners in accordance with the law.

20. R. Lokesh, in whose favour Smt. Doddapapamma had executed the General Power of Attorney on 23.04.1993 and which was cancelled by Smt. Doddapapamma on 03.03.2010,



had executed the rectification deed in favour of the petitioner on 26.08.2013, by inserting Survey Nos.103/1 and 103/4 only after cancellation of the General Power of Attorney on 03.03.2010. On 09.10.2013, Smt. Doddapapamma and K.T.Nagaraj executed confirmation deed in favour of the petitioner insofar as the site bearing No.297 by inserting Survey Nos.103/1 and 103/4 along with Survey Nos.103/2, 103/3 and 103/5 of Rachenahalli Village. They also executed the confirmation deeds on the same day i.e., on 09.10.2013 in favour of the petitioner insofar as the sites bearing Nos.296, 299 and 298 by inserting Survey Nos.103/1 and 103/4 along with Survey Nos.103/2, 103/3 and 103/5 of Rachenahalli Village.

21. On 14.02.2014, the petitioner had given a representation to the BDA seeking denotification or deletion of the land in respect of site Nos.296, 297, 298 and 299 of Rachenahalli Village. On 18.06.2014, the State Government has issued the revised the final notification for formation of Arkavati Layout including the the land of the petitioner in Survey No.103/4.



22. Smt. Doddapapamma and the petitioner had filed the writ petitions in W.P.Nos.37446-37449/2014 challenging the land acquisition proceedings. This Court, vide order dated 19.09.2014 passed in the aforesaid writ petitions, directed the parties to maintain *status quo* with regard to the possession and also as to the nature of the property.

23. The BDA had rejected the representation dated 14.02.2014 by issuing the endorsement dated 11.03.2014 stating that the BDA had passed the award and the possession was taken and hence, the land cannot be notified.

24. The Land Acquisition Officer had passed an order dated 02.08.2016 recommending land compensation in lieu of the cash compensation by following the order dated 26.07.2013 passed in W.P.No.11128/2013 and by considering the representation given by Smt. Doddapapamma dated 28.12.2015. The BDA had allotted four sites to Smt. Doddapapamma in lieu of cash compensation under 40:60 scheme in (1) Block No.1, Jakkur, Survey No.18/3, Site No.431; (2) Block No.1, Jakkur, Survey No.18/3, Site No.435;



(3) Block No.1, Jakkur, Survey No.11/5, Site No.579; and (4) Block No.7, Jakkur, Sy.No.55/8, Site No.3351.

25. This Court had disposed of the writ petition filed by the petitioner in W.P.No.37446/2014 vide judgment and order dated 27.09.2021 by upholding the revised Final Notification dated 18.06.2014 and appointed the Committee headed by Hon'ble Justice K.N. Keshavanarayana, Former Judge of the High Court of Karnataka and issued several directions. The petitioner was seeking the relief based on the sale transactions which had taken place much subsequent to the issuance of the Preliminary Notification dated 03.02.2003. However, as noted above, this Court had made it clear that the claim based on purchase of the land subsequent to the preliminary notification would not be entertained.

26. The petitioner had filed application and written arguments before the KN Committee in KNKC No.95/2022 (Rachenahalli). However, the said Committee, after hearing the petitioner and the BDA, had passed an order by rejecting the claim of the petitioner in W.P.No.37446/2014 and directed the BDA to



execute the sale deed in favour of the allottees of the sites in Survey No.103/4 within two months.

27. The petitioner had also filed a suit in O.S.No.252/2023 seeking permanent injunction in respect of the suit schedule property. The Trial Court, vide order dated 22.08.2023, had dismissed the suit as not maintainable by exercising the power under Order VII Rule 11(a) and (d) of CPC, after considering all the issues raised by the petitioner.

ANALYSIS AND CONCLUSION:

28. The facts are not in dispute. It is also not in dispute that the petitioner was co-petitioner in W.P.Nos.37446-37449/2014 challenging the notification dated 18.06.2014 which would include the land of the petitioner in Survey No.103/4 besides other lands. The petitioner had allegedly purchased the land on 05.07.2012 which is much after the preliminary notification. The sale deed would not mention Survey No.103/4. However, Survey Nos.103/1 and 103/4 were inserted by the Rectification Deed dated 26.08.2013, which was executed by R. Lokesh who would have no authority after the original land



owner-Smt. Doddapapamma had cancelled the General Power of Attorney executed in his favour on 03.03.2010.

29. As per the directions issued by this Court in the judgment dated 27.09.2021 passed in W.P.No.51929/2014 and other connected writ petitions, including the writ petitions filed by Smt. Doddapapamma and the petitioner in W.P.No.37446-37449/2014, only the land owners would be entitled for the relief, if any, granted by the Committee and any subsequent purchaser would not be entitled for the relief on the basis of the sale transactions which had taken place subsequent to the issuance of the Preliminary Notification dated 03.02.2003. Their claims were rejected and the issue had attained finality. The petitioner is claiming allotment of sites on the basis of the sale transactions executed on 05.07.2012 much after the Preliminary Notification dated 03.02.2003 and therefore, the Committee has rightly rejected their claim. If the petitioner has any right on the basis of the sale transactions, she may take appropriate remedy against the executant of the sale deeds in her favour in appropriate proceedings, however, no relief can be granted to the petitioner in the writ jurisdiction.



30. We, therefore, dispose of this writ petition with the aforesaid liberty of the petitioner to seek appropriate relief against the persons who had executed the sale deeds including the original owner in her favour on 05.07.2012.

31. It is needless to state that, the subsequent purchaser has no right to challenge the validity of acquisition, however, said purchaser may have right to receive compensation.

32. We grant *status quo* for a period of two months in respect of possession of the property in question.

In view of disposal of the writ petition, pending IAs, if any, do not survive for consideration and accordingly, they stand disposed of.

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

**SD/-
(S RACHAIAH)
JUDGE**