



NC: 2026:KHC:14960-DB
WA No. 324 of 2025
C/W WA No. 319 of 2025
WA No. 326 of 2025
AND 5 OTHERS

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 12TH DAY OF MARCH, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MR. JUSTICE T.M.NADAF

WRIT APPEAL NO. 324 OF 2025 (LA-BDA)

C/W

WRIT APPEAL NO. 319 OF 2025 (LA-BDA),

WRIT APPEAL NO. 326 OF 2025 (LA-BDA),

WRIT APPEAL NO. 347 OF 2025 (LA-BDA),

WRIT APPEAL NO. 1582 OF 2025 (LA-BDA),

WRIT APPEAL NO. 1592 OF 2025 (LA-BDA),

WRIT APPEAL NO. 1593 OF 2025 (LA-BDA),

WRIT APPEAL NO. 1598 OF 2025 (LA-BDA)

IN WA No. 324/2025

BETWEEN:

1. THE BANGALORE DEVELOPMENT AUTHORITY
T CHOWDAIAH ROAD, KUMARA PARK WEST
BANGALORE-560026
REPRESENTED BY ITS COMMISSIONER
2. THE SPECIAL LAND ACQUISITION OFFICER
BANGALORE DEVELOPMENT AUTHORITY
T CHOWDAIAH ROAD, KUMARAK PARK WEST
BANGALORE-560026

...APPELLANTS

(BY SRI K SHASHI KIRAN SHETTY, ADVOCATE GENERAL FOR
SRI MURUGESH V CHARATI, ADVOCATE)





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AND 5 OTHERS**

AND:

1. THE STATE OF KARNATAKA
DEPARTMENT OF URBAN DEVELOPMENT
REP BY ITS PRINCIPAL SECRETARY
DR. AMBEDKAR VEEDHI
VIDHANA SOUDHA
BANGALORE-560001
2. SMT. CHIKKAMUNIYAMMA
AGED ABOUT 87 YEARS
W/O LATE KAVERAPPA
3. SUKUNDAR RAJ
AGED ABOUT 65 YEARS
S/O LATE KAVERAPPA
4. SRI NAGARAJ
AGED ABOUT 60 YEARS
S/O LATE KAVERAPPA
5. SRI SURESH
AGED ABOUT 53 YEARS
S/O LATE KAVERAPPA
6. RAMESH KUMAR
AGED ABOUT 50 YEARS
S/O LATE KAVERAPPA

R-2 TO R-6 ARE R/O
GUBBALALU VILLAGE
UTTARAHALLI HOBLI
BANGALORE SOUTH TALUK
PIN-560 061

REP BY THEIR GPA HOLDER
SMT. T A GAYATHRI
AGED ABOUT 58 YEARS
W/O SRI T N JAVARAYI GOWDA



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WA No. 324 of 2025
C/W WA No. 319 of 2025
WA No. 326 of 2025
AND 5 OTHERS**

R/AT NO.121, MADILU
1ST E MAIN, 1ST BLOCK
2ND STAGE, NAGARABHAVI
BANGALORE-560 072

...RESPONDENTS

(BY SRI UDAYA HOLLA, SENIOR COUNSEL FOR
SRI RAJARAM SOORAYAMBAIL, ADVOCATE FOR C/R-2 TO R-6;
SRI MOHAMMAD JAFFAR SHAH, AGA FOR R-1)

THIS WRIT APPEAL IS FILED U/S 4 OF THE KARNATAKA
HIGH COURT ACT, 1961, PRAYING TO SET ASIDE THE ORDER
DATED 27.01.2025 PASSED BY THE LEARNED SINGLE JUDGE
IN W.P.NO.18271/2016 AND ALLOW THE WRIT APPEAL BY
DISMISSING THE WRIT PETITION.

IN WA NO. 319/2025

BETWEEN:

1. THE BANGALORE DEVELOPMENT AUTHORITY
T CHOWDAIAH ROAD, KUMARA PARK WEST
BANGALORE - 560 026
REPRESENTED BY ITS COMMISSIONER
2. THE SPECIAL LAND ACQUISITION OFFICER
BANGALORE DEVELOPMENT AUTHORITY
T.CHOWDAIAH ROAD, KUMARA PARK WEST
BANGALORE - 560 026

...APPELLANTS

(BY SRI K SHASHI KIRAN SHETTY, ADVOCATE GENERAL
FOR SRI MURUGESH V CHARATI, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
DEPARTMENT OF URBAN DEVELOPMENT
REPRESENTED BY ITS PRINCIPAL SECRETARY
DR. AMBEDKAR VEEDHI



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VIDHANA SOUDHA
BANGALORE - 560 001

2. SMT. PUTTAMMA
AGED ABOUT 84 YEARS
W/O LATE PAPAIAH
3. P NARAYANAPPA
AGED ABOUT 66 YEARS
S/O LATE PAPAIAH
4. P GOVINDA
AGED ABOUT 58 YEARS
S/O LATE PAPAIAH
5. P VAJARAPPA
AGED ABOUT 58 YEARS
S/O LATE PAPAIAH
6. P DEVARAJA
AGED ABOUT 53 YEARS
S/O LATE PAPAIAH
7. P KUMAR
AGED ABOUT 45 YEARS
S/O LATE PAPAIAH
8. P MANJU
AGED ABOUT 45 YEARS
S/O LATE PAPAIAH

R-2 TO R-6 ARE R/AT
GUBBALU VILLAGE
UTTARAHALLI HOBLI
BANGALORE SOUTH TALUK
PIN-560 061

REPRESENTED BY THEIR GPA HOLDER
SMT. T A GAYATHRI
AGED ABOUT 58 YEARS
W/O SRI T N JAVARAYI GOWDA



**NC: 2026:KHC:14960-DB
WA No. 324 of 2025
C/W WA No. 319 of 2025
WA No. 326 of 2025
AND 5 OTHERS**

R/AT NO.121, MADILU, 1ST E MAIN
1ST BLOCK, 2ND STAGE
NAGARABHAVI
BANGALORE-560072

...RESPONDENTS

(BY SRI UDAYA HOLLA, SENIOR COUNSEL FOR
SRI RAJARAM SOORAYAMBAIL, ADVOCATE FOR C/R-2 TO R-8;
SRI MOHAMMAD JAFFAR SHAH, AGA FOR R-1)

THIS WRIT APPEAL IS FILED U/S 4 OF THE
KARNATAKA HIGH COURT ACT, 1961, PRAYING TO SET
ASIDE THE ORDER DATED 27.01.2025 PASSED BY THE
LEARNED SINGLE JUDGE IN W.P.NO.18272/2016 AND
ALLOW THE WRIT APPEAL BY DISMISSING THE WRIT
PETITION.

IN WA NO. 326/2025

BETWEEN:

1. THE BANGALORE DEVELOPMENT AUTHORITY
T. CHOWDAIAH ROAD
KUMARA PARK WEST
BANGALORE-560 026
REPRESENTED BY ITS COMMISSIONER
2. THE SPECIAL LAND ACQUISITION OFFICER
BANGALORE DEVELOPMENT AUTHORITY
T. CHOWDAIAH ROAD
KUMARA PARK WEST
BANGALORE-560 026

...APPELLANTS

(BY SRI K SHASHI KIRAN SHETTY, ADVOCATE GENERAL
FOR SRI MURUGESH V CHARATI, ADVOCATE)



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WA No. 326 of 2025
AND 5 OTHERS**

AND:

1. THE STATE OF KARNATAKA
DEPARTMENT OF URBAN DEVELOPMENT
REPRESENTED BY ITS
PRINCIPAL SECRETARY
DR. AMBEDKAR VEEDHI
VIDHANA SOUDHA
BANGALORE-560 001
2. SRI ANJANAPPA
AGED ABOUT 80 YEARS
S/O LATE VAJRAPPA
3. SRI MUNIKRISHNAMURTHY
AGED ABOUT 55 YEARS
S/O ANJANAPPA
4. SRI GOPALKRISHNA
AGED ABOUT 52 YEARS
S/O ANJANAPPA
5. SRI HARISH KUMAR
AGED ABOUT 50 YEARS
S/O ANJANAPPA
6. SRI MOHAN KUMAR
AGED ABOUT 45 YEARS
S/O ANJANAPPA

R-2 TO R-6 ARE RESIDENT OF
GUBBALALU VILLAGE
UTTARAHALLI HOBLI
BANGALORE SOUTH TALUK
PIN-560 061

REPRESENTED BY THEIR GPA HOLDER
SMT. T.A. GAYATHRI
AGED ABOUT 49 YEARS
W/O SRI T.N. JAVARAYI GOWDA
R/AT NO.121, MADILU



**NC: 2026:KHC:14960-DB
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AND 5 OTHERS**

1ST E MAIN, 1ST BLOCK
2ND STAGE
NAGARABHAVI
BANGALORE-560 072

...RESPONDENTS

(BY SRI UDAYA HOLLA, SENIOR COUNSEL FOR
SRI RAJARAM SOORAYAMBAIL, ADVOCATE FOR C/R-2 TO R-6;
SRI MOHAMMAD JAFFAR SHAH, AGA FOR R-1;
SRI VEDACHALA, LEARNED COUNSEL FOR THE
APPLICANTS IN I.A.NOS.2/2025 AND 3/2025)

THIS WRIT APPEAL IS FILED U/S 4 OF THE KARNATAKA
HIGH COURT ACT, 1961, PRAYING TO SET ASIDE THE
ORDER DATED 27.01.2025 PASSED BY THE LEARNED
SINGLE JUDGE IN W.P.NO.18273/2016 AND ALLOW THE
WRIT APPEAL BY DISMISSING THE WRIT PETITION.

IN WA NO. 347/2025

BETWEEN:

1. THE BANGALORE DEVELOPMENT AUTHORITY
T CHOWDAIAH ROAD, KUMARA PARK WEST
BANGALORE - 560 026
REPRESENTED BY ITS COMMISSIONER
2. THE SPECIAL LAND ACQUISITION OFFICER
BANGALORE DEVELOPMENT AUTHORITY
T. CHOWDAIAH ROAD, KUMARA PARK WEST
BANGALORE - 560 026

...APPELLANTS

(BY SRI K SHASHI KIRAN SHETTY, ADVOCATE GENERAL
FOR SRI MURUGESH V CHARATI, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
DEPARTMENT OF URBAN DEVELOPMENT



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REPRESENTED BY ITS
PRINCIPAL SECRETARY
DR.AMBEDKAR VEEDHI
VIDHANA SOUDHA
BANGALORE - 560 001

2. SMT. MUNEERAMMA
AGED ABOUT 90 YEARS
W/O LATE MUNINANJAPPA
3. HANUMANTHAPPA
AGED ABOUT 70 YEARS
S/O LATE MUNINANJAPPA

R-2 & R-3 ARE R/AT
GUBBALALU VILLAGE
UTTARAHALLI HOBLI
BANGALORE SOUTH TALUK
PIN-560 061

BOTH ARE REP BY THEIR
GPA HOLDER SMT. T A GAYATHIRI
AGED ABOUT 58 YEARS
W/O SRI T N JAVARAYI GOWDA
R/AT NO.121, MADILU
1ST E MAIN, 1ST BLOCK
2ND STAGE, NAGARABHAVI
BANGALORE-560 072

...RESPONDENTS

(BY SRI UDAYA HOLLA, SENIOR COUNSEL FOR
SRI RAJARAM SOORAYAMBAIL, ADVOCATE FOR C/R-2 & R-3;
SRI MOHAMMAD JAFFAR SHAH, AGA FOR R-1)

THIS WRIT APPEAL IS FILED U/S 4 OF THE
KARNATAKA HIGH COURT ACT, 1961, PRAYING TO SET
ASIDE THE ORDER DATED 27.01.2025 PASSED BY THE
LEARNED SINGLE JUDGE IN W.P.NO.18269/2016 (LA-BDA)
AND ALLOW THE WRIT APPEAL BY DISMISSING THE WRIT
PETITION.



IN WA NO. 1582/2025

BETWEEN:

1. KRISHNA MURTHY P
AGED ABOUT 54 YEARS
NO.79 KENDRIYANAGAR
HOSAHALLI
THALAGHATTAPURA POST
BENGALURU - 560 109
2. PRAKASH H.N.
S/O NINGOJI RAO
AGED ABOUT 55 YEARS
R/AT NO.9, BHARATH PRESIDENCY
FLAT NO.104, 2ND MAIN
2ND BLOCK, GORUGUNTEPALYA
BENGALURU-560 022
3. SRI H VENKATESH ACHAR
S/O H SESHAGIRI ACHAR
AGED ABOUT 63 YEARS
R/AT DOOR NO.1-17-572, 4H83.B
LAND LINKS TOWNSHIP, DEREBAIL
KONCHADY, MANGALURU-8
4. SRI RAVIAMA NAIK,
S/O LATE SHIVAPPA NAIK
AGED ABOUT 65 YEARS
R/AT NO.1386, VEDANGA BUILDING
4TH 'H' BLOCK
BANASHANKARI 6TH STAGE
GUBBALALA
BENGALURU-560 061
5. SRI DEVARAJU B H
S/O LATE A HANUMAIAH
AGED ABOUT 71 YEARS
R/AT FLAT NO.I-002
STERLING GARDENS APARTMENT



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257, KUVEMPU ROAD
KEMPAPURA HEBBALA
BENGALURU-560 024

6. SMT. SHILPA B.S.
W/O RAVI K
AGED ABOUT 42 YEARS
R/AT SITE NO.1431
ANUGRAHA NILAYA
BANASHANKARI 6TH STAGE
4TH 'H' BLOCK FURTHER EXTENSION
GUBBALALA, BENGALURU-560 061
7. SRI SANTOSH K.B.
S/O LATE BALAJI K.L.
AGED ABOUT 40 YEARS
R/AT SITE NO.1402, KALPATARU
4TH 'H' BLOCK FURTHER EXTENSION
BANASHANKARI 6TH BLOCK
NEAR OM SRI GANGAMMA THAYI TEMPLE
GUBBALALA, BENGALURU - 560 061
8. DR. B.K. MANJUNATH
S/O B.K. KRISHNA SWAMY
AGED ABOUT 55 YEARS
R/AT NO.2459, 2ND STAGE
16TH MAIN, KUMARASWAMY LAYOUT
2ND STAND, BENGALURU - 560 078
9. SMT. POORNIMA B N
W/O KUMALESHWARA M N
AGED ABOUT 51 YEARS
R/A NO.60
KRISHNA ARYA ELEGANCE
FLAT NO.B 205
ASHOKAPURAM MAIN ROAD
YESHWANTHPUR INDUSTRIAL SUB-URB
BENGALURU-560 022
10. SRI KESHAVA MURTHY S N
S/O NARAYANAIAH



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NO 4, 6TH CROSS
ARUNACHALAM LAYOUT
PAPAREDDY PALYA, NAGARABHAVI
2ND STAGE, BENGALURU-560 072

11. SRI N KRISHNANAND
NO.71, VATHSALA, 2ND MAIN ROAD
2ND BLOCK, 'D' GROUP LAYOUT
BENGALURU-560 091
12. SRI KULANKAR NEELAKANTA GUNAKI
S/O NEELAKANTA
BEHIND KSRTC 2ND DEPOT
NEHARU NAGAR
HOUSE NO.591, WARD NO.1B
BIJAPUR, KARNATAKA-586 101

...APPELLANTS

(BY SRI M.V. VEDACHALA, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
DEPARTMENT OF URBAN DEVELOPMENT
REPRESENTED BY ITS PRINCIPAL SECRETARY
DR. AMBEDKAR VEEDHI
VIDHANA SOUDHA
BENGALURU-560 001
2. THE BANGALORE DEVELOPMENT AUTHORITY
T. CHOWDAIAH ROAD
KUMARA PARK WEST
BENGALURU-560 026
REPRESENTED BY ITS COMMISSIONER
3. THE SPECIAL LAND ACQUISITION OFFICER
BANGALORE DEVELOPMENT AUTHORITY
T CHOWDAIAH ROAD, KUMARA PARK WEST
BENGALURU-560 026



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4. SRI ANJANAPPA
S/O LATE VAJRAPPA
AGED ABOUT 80 YEARS
5. SRI MUNIKRISHNA MURTHY
S/O ANJANAPPA
AGED ABOUT 55 YEARS
6. SRI GOPALA KRISHNA
S/O ANJANAPPA
AGED ABOUT 52 YEARS
7. SRI HARISH KUMAR
S/O ANJANAPPA
AGED ABOUT 50 YEARS
8. SRI MOHAN KUMAR
S/O ANJANAPPA
AGED ABOUT 45 YEARS

R-4 TO 8 ARE R/AT
GUBBALALA VILLAGE
UTTARAHALLI HOBLI
BANGALORE SOUTH TALUK
PIN-560 061

REPRESENTED BY THE GPA HOLDER
SMT. T A GAYATHRI
W/O T N JAVARAYI GOWDA
AGE ABOUT 58 YEARS
R/A NO.121, 'MADILU' 1ST E MAIN
1ST BLOCK 2ND STAGE
NAGARABHAVI, BENGALURU-560 072

...RESPONDENTS

(BY SRI UDAYA HOLLA, SENIOR ADVOCATE FOR
SRI RAJARAM SOORAYAMBAIL, ADVOCATE FOR C/R-4 TO R-8;
SRI MOHAMMAD JAFFAR SHAH, AGA FOR R-1)



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THIS WRIT APPEAL IS FILED U/S 4 OF THE KARNATAKA HIGH COURT ACT, 1961, PRAYING TO SET ASIDE THE ORDER DATED 27.01.2025 PASSED BY THE LEARNED SINGLE JUDGE IN W.P.NO.18273/2016 AND ALLOW THE WRIT APPEAL BY DISMISSING THE WRIT PETITION AND GRANT SUCH OTHER RELIEFS.

IN WA NO. 1592/2025

BETWEEN:

1. KRISHNA MURTHY. P
AGED ABOUT 54 YEARS
NO.79 KENDRIYANAGAR
HOSAHALLI
THALAGHATTAPURA POST
BENGALURU - 560 109
2. PRAKASH H.N.
S/O NINGOJI RAO
AGED ABOUT 55 YEARS
R/AT NO.9, BHARATH PRESIDENCY
FLAT NO.104, 2ND MAIN
2ND BLOCK, GORUGUNTEPALYA
BENGALURU-560 022
3. SRI H. VENKATESH ACHAR
S/O H. SESHAGIRI ACHAR
AGED ABOUT 63 YEARS
R/AT DOOR NO.1-17-572
4H83.B, LAND LINKS TOWNSHIP
DEREBAIL, KONCHADY
MANGALURU-8
4. SRI RAVIRAMA NAIK
S/O LATE SHIVAPPA NAIK
AGED ABOUT 65 YEARS
R/AT NO.1386, VEDANGA BUILDING
4TH H BLOCK



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BANASHANKARI 6TH STAGE
GUBBALALA
BENGALURU-560 061

5. SRI DEVARAJU B H
S/O LATE A. HANUMIAH
AGED ABOUT 71 YEARS
R/AT FLAT NO.1-002
STERLING GARDENS APARTMENT
257, KUVEMPU ROAD
KEMPAPURA HEBBALA
BENGALURU-560 024
6. SMT. SHILPA B.S.
W/O RAVI K
AGED ABOUT 42 YEARS
R/AT SITE NO.1431
ANUGRAHA NILAYA
BANASHANKARI 6TH STAGE,
4TH 'H' BLOCK FURTHER EXTENSION
GUBBALALA
BENGALURU - 560 061
7. SRI SANTOSH K.B.
S/O LATE BALAJI K.L.
AGED ABOUT 40 YEARS
R/AT SITE NO. 1402
KALPATARU
4TH 'H' BLOCK FURTHER EXTENSION
BANASHANKARI 6TH BLOCK
NEAR OM SRI GANGAMMA THAYI TEMPLE
GUBBALALA, BENGALURU - 560 061
8. DR. B.K. MANJUNATH
S/O B.K. KRISHNA SWAMY
AGED ABOUT 55 YEARS
R/AT NO.2459, 2ND STAGE
16TH MAIN, KUMARASWAMY LAYOUT
2ND STAND, BENGALURU - 560 078



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9. SMT. POORNIMA B.N.
W/O KUMALESHWARA M.N.
AGED ABOUT 51 YEARS
R/AT NO.60, KRISHNA ARYA ELEGANCE
FLAT NO.B-205, ASHOKAPURAM MAIN ROAD
YESHWANTHPUR INDUSTRIAL SUB-URB
BENGALURU-560 022
10. SRI KESHAHA MURTHY S.N.
S/O NARAYANAIAH
NO.4, 6TH CROSS, ARUNACHALAM LAYOUT
PAPAREDDY PALYA, NAGARABHAVI
2ND STAGE, BENGALURU-560 072
11. SRI N. KRISHNANAND
NO.71, VATHSALA, 2ND MAIN ROAD
2ND BLOCK, 'D' GROUP LAYOUT
BENGALURU-560 091
12. SRI KULANKAR NEELAKANTA GUNAKI
S/O NEELAKANTA
BEHIND KSRTC 2ND DEPOT
NEHARU NAGAR, HOUSE NO. 591
WARD NO.1B, BIJAPUR
KARNATAKA - 586 101

...APPELLANTS

(BY SRI M.V. VEDACHALA, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
DEPARTMENT OF URBAN DEVELOPMENT
REPRESENTED BY ITS PRINCIPAL SECRETARY
DR. AMBEDKAR VEEDHI, VIDHANA SOUDHA
BENGALURU-560 001
2. THE BANGALORE DEVELOPMENT AUTHORITY
T. CHOWDAIAH ROAD, KUMARA PARK WEST
BENGALURU-560 026
REPRESENTED BY ITS COMMISSIONER



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3. THE SPECIAL LAND ACQUISITION OFFICER
BANGALORE DEVELOPMENT AUTHORITY
T. CHOWDAIAH ROAD, KUMARA PARK WEST
BENGALURU - 560 026
4. SMT. MUNEERAMMA
W/O LATE MUNINANJAPPA
AGED ABOUT 92 YEARS
5. SRI HANUMANTHAPPA
S/O ANJANAPPA
AGED ABOUT 70 YEARS

R-4 & R-5 ARE RESIDENTS OF
GUBBALALA VILLAGE
UTTARAHALLI HOBLI
BANGALORE SOUTH TALUK
PIN-560 061

REPRESENTED BY THE GPA HOLDER
SMT. T.A. GAYATHRI
W/O T.N. JAVARAYI GOWDA
AGED ABOUT 49 YEARS
R/AT NO.121, 'MADILU', 1ST E' MAIN,
1ST BLOCK, 2ND STAGE
NAGARABHAVI, BENGALURU-560 072

...RESPONDENTS

(BY SRI. UDAYA HOLLA, SENIOR COUNSEL FOR
SRI RAJARAM SOORAYAMBAIL, ADVOCATE FOR
C/R-4 & R-5;
SRI MOHAMMAD JAFFAR SHAH, AGA FOR R-1)

THIS WRIT APPEAL IS FILED U/S 4 OF THE
KARNATAKA HIGH COURT ACT, 1961, PRAYING TO SET
ASIDE THE ORDER DATED 27.01.2025 PASSED BY THE
LEARNED SINGLE JUDGE IN W.P.NO.18269/2016 AND
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PETITION AND GRANT SUCH OTHER RELIEFS.



**NC: 2026:KHC:14960-DB
WA No. 324 of 2025
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IN WA NO. 1593/2025

BETWEEN:

1. KRISHNA MURTHY P
AGED ABOUT 54 YEARS
NO.79, KENDRIYANAGAR, HOSAHALLI
THALAGHATTAPURA POST
BENGALURU - 560 109
2. PRAKASH H.N.
S/O NINGOJI RAO
AGED ABOUT 55 YEARS
R/AT NO.9, BHARATH PRESIDENCY
FLAT NO.104, 2ND MAIN, 2ND BLOCK
GORUGUNTEPALYA
BENGALURU-560 022
3. SRI H. VENKATESH ACHAR
S/O H. SESHAGIRI ACHAR
AGED ABOUT 63 YEARS
R/AT DOOR NO.1-17-572
4H83.B, LAND LINKS TOWNSHIP
DEREBAIL, KONCHADY
MANGALURU-8
4. SRI RAVIRAMA NAIK
S/O LATE SHIVAPPA NAIK
AGED ABOUT 65 YEARS
R/AT NO.1386, VEDANGA BUILDING
4TH H BLOCK
BANASHANKARI 6TH STAGE
GUBBALALA
BENGALURU-560 061
5. SRI DEVARAJU B.H.
S/O LATE A. HANUMAIAH
AGED ABOUT 71 YEARS
R/AT FLAT NO.1-002
STERLING GARDENS APARTMENT
257, KUVEMPU ROAD



**NC: 2026:KHC:14960-DB
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WA No. 326 of 2025
AND 5 OTHERS**

KEMPAPURA HEBBALA
BENGALURU-560 024

6. SMT. SHILPA B.S.
W/O RAVI K
AGED ABOUT 42 YEARS
R/AT SITE NO.1431, ANUGRAHA NILAYA
BANASHANKARI 6TH STAGE
4TH 'H' BLOCK FURTHER EXTENSION
GUBBALALA, BENGALURU - 560 061
7. SRI SANTOSH K.B.
S/O LATE BALAJI K.L.
AGED ABOUT 40 YEARS
R/AT SITE NO.1402, KALPATARU
4TH 'H' BLOCK FURTHER EXTENSION
BANASHANKARI 6TH BLOCK
NEAR OM SRI GANGAMMA THAYI TEMPLE
GUBBALALA, BENGALURU - 560 061
8. DR. B.K. MANJUNATH
S/O B.K. KRISHNA SWAMY
AGED ABOUT 55 YEARS
R/AT NO.2459, 2ND STAGE, 16TH MAIN
KUMARASWAMY LAYOUT
2ND STAND, BENGALURU - 560 078
9. SMT. POORNIMA B.N.
W/O KUMALESHWARA M N
AGED ABOUT 51 YEARS
R/AT NO.60, KRISHNA ARYA ELEGANCE
FLAT NO.B-205, ASHOKAPURAM MAIN ROAD
YESHWANTHPUR INDUSTRIAL SUB-URB
BENGALURU-560 022
10. SRI KESHAVA MURTHY S.N.
S/O NARAYANAIAH, NO.4, 6TH CROSS
ARUNACHALAM LAYOUT, PAPAREDDY PALYA
NAGARABHAVI 2ND STAGE
BENGALURU-560 072



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11. SRI N. KRISHNANAND
NO.71, 'VATHSALA', 2ND MAIN ROAD
2ND BLOCK, 'D' GROUP LAYOUT
BENGALURU-560 091
12. SRI KULANKAR NEELAKANTA GUNAKI
S/O NEELAKANTA
BEHIND KSRTC 2ND DEPOT
NEHARU NAGAR, HOUSE NO. 591
WARD NO.1B, BIJAPUR
KARNATAKA - 586 101

...APPELLANTS

(BY SRI M V VEDACHALA, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
DEPARTMENT OF URBAN DEVELOPMENT
REPRESENTED BY ITS
PRINCIPAL SECRETARY
DR. AMBEDKAR VEEDHI
VIDHANA SOUDHA,
BENGALURU-560 001
2. THE BANGALORE DEVELOPMENT AUTHORITY
T. CHOWDAIAH ROAD, KUMARA PARK WEST
BENGALURU-560 026
REPRESENTED BY ITS COMMISSIONER
3. THE SPECIAL LAND ACQUISITION OFFICER
BANGALORE DEVELOPMENT AUTHORITY
T. CHOWDAIAH ROAD, KUMARA PARK WEST
BENGALURU-560 026
4. SMT. CHIKKAMUNIYAMMA
W/O LATE KAVERAPPA
AGED ABOUT 87 YEARS
5. SRI SUKUNDAR RAJ,
S/O LATE KAVERAPPA
AGED ABOUT 65 YEARS



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6. SRI NAGARAJ
S/O LATE KAVERAPPA
AGED ABOUT 50 YEARS
7. SRI SURESH
S/O LATE KAVERAPPA
AGED ABOUT 43 YEARS
8. SRI RAMESH KUMAR
S/O LATE KAVERAPPA
AGED ABOUT 40 YEARS

R-4 TO R-8 ARE RESIDENTS OF
GUBBALALA VILLAGE
UTTARAHALLI HOBLI
BANGALORE SOUTH TALUK
PIN-560 061

REPRESENTED BY THE GPA HOLDER
SMT. T.A. GAYATHRI
W/O T.N. JAVARAYI GOWDA
AGED ABOUT 58 YEARS
R/AT NO.121, 'MADILU'
1ST 'E' MAIN, 1ST BLOCK
2ND STAGE, NAGARABHAVI
BENGALURU-560 072

...RESPONDENTS

(BY SRI UDAYA HOLLA, SENIOR COUNSEL FOR
SRI RAJARAM SOORAYAMBAIL, ADVOCATE FOR C/R-4 TO R-8;
SRI MOHAMMAD JAFFAR SHAH, AGA FOR R-1)

THIS WRIT APPEAL IS FILED U/S 4 OF THE
KARNATAKA HIGH COURT ACT PRAYING TO SET ASIDE THE
ORDER DATED 27.01.2025 PASSED BY THE LEARNED
SINGLE JUDGE IN W.P.NO.18271/2016 AND ALLOW THE
WRIT APPEAL BY DISMISSING THE WRIT PETITION AND
ETC.



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IN WA NO. 1598/2025

BETWEEN:

1. KRISHNA MURTHY P
AGED ABOUT 54 YEARS
NO.79, KENDRIYANAGAR
HOSAHALLI
THALAGHATTAPURA POST
BENGALURU - 560 109
2. PRAKASH H.N.
S/O NINGOJI RAO
AGED ABOUT 55 YEARS
R/AT NO.9, BHARATH PRESIDENCY
FLAT NO.104, 2ND MAIN, 2ND BLOCK
GORUGUNTEPALYA
BENGALURU-560 022
3. SRI H. VENKATESH ACHAR
S/O H. SESHAGIRI ACHAR
AGED ABOVE 63 YEARS
R/AT DOOR NO.1-17-572, 4H83.B
LAND LINKS TOWNSHIP
DEREBAIL, KONCHADY
MANGALURU-8
4. SRI RAVIRAMA NAIK
S/O LATE SHIVAPPA NAIK
AGED ABOUT 65 YEARS
R/AT NO.1386, VEDANGA BUILDING
4TH H BLOCK
BANASHANKARI 6TH STAGE
GUBBALALA, BENGALURU-560 061
5. SRI DEVARAJU B.H.
S/O LATE A. HANUMAIHAH
AGED ABOUT 71 YEARS
R/AT FLAT NO.1-002
STERLING GARDENS APARTMENT



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257, KUVEMPU ROAD
KEMPAPURA HEBBALA
BENGALURU-560 024

6. SMT. SHILPA B.S.
W/O RAVI K
AGED ABOUT 42 YEARS
R/AT SITE NO.1431
ANUGRAHA NILAYA
BANASHANKARI 6TH STAGE
4TH 'H' BLOCK FURTHER EXTENSION
GUBBALALA, BENGALURU - 560 061
7. SRI SANTOSH K.B.
S/O LATE BALAJI K.L.
AGED ABOUT 40 YEARS
R/AT SITE NO.1402, KALPATARU
4TH 'H' BLOCK FURTHER EXTENSION
BANASHANKARI 6TH BLOCK
NEAR OM SRI GANGAMMA THAYI TEMPLE
GUBBALALA, BENGALURU - 560 061
8. DR. B.K. MANJUNATH
S/O B.K. KRISHNA SWAMY
AGED ABOUT 55 YEARS
R/AT NO.2459, 2ND STAGE, 16TH MAIN
KUMARASWAMY LAYOUT
2ND STAND, BENGALURU-560 078
9. SMT. POORNIMA B.N.
W/O KUMALESHWARA M N
AGED ABOUT 51 YEARS
R/AT NO.60, KRISHNA ARYA ELEGANCE
FLAT NO.B-205, ASHOKAPURAM MAIN ROAD
YESHWANTHPUR INDUSTRIAL SUB-URB
BENGALURU-560 022
10. SRI KESHA MURTHY S.N.
S/O NARAYANAIAH
NO.4, 6TH CROSS, ARUNACHALAM LAYOUT
PAPAREDDY PALYA



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NAGARABHAVI 2ND STAGE
BENGALURU-560 072

11. SRI N. KRISHNANAND
NO.71, VATHSALA
2ND MAIN ROAD, 2ND BLOCK
'D' GROUP LAYOUT
BENGALURU-560 091
12. SRI KULANKAR NEELAKANTA GUNAKI
S/O NEELAKANTA
BEHIND KSRTC 2ND DEPOT
NEHARU NAGAR
HOUSE NO.591, WARD NO.1B
BIJAPUR, KARNATAKA-586 101

...APPELLANTS

(BY SRI M.V. VEDACHALA, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
DEPARTMENT OF URBAN DEVELOPMENT
REPRESENTED BY ITS PRINCIPAL SECRETARY
DR. AMBEDKAR VEEDHI
VIDHANA SOUDHA
BENGALURU-560 001
2. THE BANGALORE DEVELOPMENT AUTHORITY
T CHOWDAIAH ROAD
KUMARA PARK WEST
BENGALURU-560 026
REPRESENTED BY ITS COMMISSIONER
3. THE SPECIAL LAND ACQUISITION OFFICER,
BANGALORE DEVELOPMENT AUTHORITY
T CHOWDAIAH ROAD
KUMARA PARK WEST
BENGALURU-560 026



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4. SMT. PUTTAMMA
S/O LATE PAPAIAH
AGED ABOUT 84 YEARS
5. SRI P. NARAYANAYAPPA
S/O LATE PAPAIAH
AGED ABOUT 66 YEARS
6. SRI P. GOVINDA
S/O LATE PAPAIAH
AGED ABOUT 58 YEARS
7. SRI P. VAJARAPPA
S/O LATE PAPAIAH
AGED ABOUT 56 YEARS
8. SRI P. DEVARAJA
S/O LATE PAPAIAH
AGED ABOUT 43 YEARS
9. SRI P KUMAR
S/O LATE PAPAIAH
AGED ABOUT 47 YEARS
10. SRI P. MANJU
S/O LATE PAPAIAH
AGED ABOUT 45 YEARS

R-4 TO R-10 ARE R/AT
GUBBALALA VILLAGE
UTTARAHALLI HOBLI
BANGALORE SOUTH TALUK
PIN-560 061

REPRESENTED BY THE GPA HOLDER
SMT. T.A. GAYATHRI
W/O T.N. JAVARAYI GOWDA
AGED ABOUT 58 YEARS
R/AT NO.121, MADILU
1ST E MAIN
1ST BLOCK, 2ND STAGE



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NAGARABHAVI
BENGALURU-560 072

...RESPONDENTS

(BY SRI UDAYA HOLLA, SENIOR COUNSEL FOR
SRI RAJARAM SOORAYAMBAIL, ADVOCATE FOR C/R-4 TO R-10;
SRI MOHAMMAD JAFFAR SHAH, AGA FOR R-1)

THIS WRIT APPEAL IS FILED U/S 4 OF THE
KARNATAKA HIGH COURT ACT, 1961, PRAYING TO SET
ASIDE THE ORDER DATED 27.01.2025 PASSED BY THE
LEARNED SINGLE JUDGE IN W.P.NO.18272/2016 AND
ALLOW THE WRIT APPEAL BY DISMISSING THE WRIT
PETITION AND ETC.

THESE APPEALS, COMING ON FOR ORDERS, THIS DAY,
JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE D K SINGH
and
HON'BLE MR. JUSTICE T.M.NADAF

ORAL JUDGMENT

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

1. All these intra Court appeals have been filed impugning the common judgment and order dated 27.01.2025 passed by the learned Single Judge in W.P.No.18269/2016 c/w W.P.Nos.18271/2016, 18272/2016 and 18273/2016.
2. The parties are referred to as per their ranking before the writ Court, for the sake of convenience.



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FACTS:

3. The dispute relates to the lands in Survey Nos.47/1, 47/3, 47/4 and 47/5 situated at Gubbalala Village, Uttarahalli Hobli, Bengaluru South Taluk, which are stated to be owned by the petitioners. The extent of land in each survey number under dispute is given hereunder:-

Sl. No.	Survey No.	Extent of land
1	47/1	35 guntas
2	47/3	35 1/2 guntas
3	47/4	35 1/2 guntas
4	47/5	35 guntas

4. The Government had issued a Preliminary Notification dated 07.11.2002 notifying 1532 acres and 17 guntas of land comprised in 8 villages viz., Vajrahalli, Hosahalli, Uttarahalli Manevartekaval, Bada Manevartekaval, Raghuvanahalli, Thalaghattapura, Turahalli and Gubbalala for formation of "Further Extension of Banashankari VI Stage by linking existing VI Stage Layout through Kanakapura-Bangalore Main Road".



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5. However, the Final Notification dated 09.09.2003 was only for 750 acres including 142 acres and 1 gunta of land in Gubbalala Village, which would include the petitioners' lands in the aforesaid four survey numbers. In the notification issued under Section 16(2) of the Land Acquisition Act, 1894 (hereinafter referred to as 'the Land Acquisition Act'), only 395 acres and 37 guntas of land including 39 acres 10 guntas of Gubbalala Village was notified.

6. The petitioners, through their General Power Attorney (GPA) holder who is the wife of Sri T.N. Javarayi Gowda, Member of Legislative Council (MLC), have filed the writ petitions assailing the Preliminary Notification dated 07.11.2002 and the Final Notification dated 09.09.2003 issued under Section 17(1) and Section 19(2) respectively of the Bangalore Development Authority Act, 1976 (hereinafter referred to as 'the BDA Act'). The petitioners have alternatively sought the prayer to issue a writ of mandamus directing the respondents to compensate the petitioners as per 40-60 Scheme in the event of acquisition of the petitioners' lands was completed in all respects.



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7. The learned Single Judge, vide impugned judgment and order, held that the possession of the lands of the petitioners was not taken in the manner known to law nor the compensation was deposited before the Civil Court. Accordingly, the learned Single Judge allowed the writ petitions and quashed the Preliminary Notification dated 07.11.2002 and the Final Notification dated 09.09.2003 and has further set aside all further consequent actions of the Bangalore Development Authority (BDA) in respect of the lands in question.

8. The petitioners had approached this Court assailing the acquisition notifications in W.P.Nos.2308-2327/2004 and the learned Single Judge, vide order dated 06.06.2006, disposed of the writ petitions reserving liberty to the petitioners to approach the respondent-authorities for dropping the acquisition proceedings, if the lands are situated in the built-up area and other acceptable reasons.

9. In terms of the liberty granted by this Court in the order dated 06.06.2006, the petitioners had made a representation



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before the respondent-authorities to delete the lands in question from acquisition proceedings. The BDA had issued the endorsements dated 12.10.2007 and 05.10.2007, which were questioned by the petitioners by filing W.P.No.19994/2007. This Court, vide order dated 04.12.2009 passed in the said writ petition, quashed the endorsements and directed the respondent-authorities to consider the issue afresh in the light of the judgment passed in W.P.No.16133/2004 and connected matters, which were disposed of vide judgment dated 06.06.2006.

10. The petitioners contended before the learned Single Judge that the respondents had not taken possession of the lands and the petitioners were in possession of the lands even on the date of the filing of the writ petitions. The possession mahazar drawn by the BDA was not in accordance with law and the land owners were not aware of the same. The compensation amount determined in the award was not paid to the petitioners nor deposited in the Court. The scheme was not implemented by utilizing the lands for the formation of the layout. In the light of the provisions of Section 24(2) of the



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Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as 'the Right to Fair Compensation Act'), the acquisition proceedings had got lapsed.

11. The respondents, however, objected to the writ petitions and contended that the land acquisition proceedings in all respects for the lands in question were concluded after the issuance of the preliminary and final notifications for formation of "Further Extension of Banashankari VI Stage Layout. The Additional Land Acquisition Officer had passed an award dated 12.12.2003. The award notice was also issued and thereafter, the possession of the lands was taken on 08.01.2004. The lands were handed over to the BDA for formation of the layout and the lands in question had been utilized by the BDA. It was further contended that the notification issued under Section 16(2) of the Land Acquisition Act was also published, sites had been formed and allotted to the respective allottees. It was further contended that the provisions of Section 21(3) of the Right to Fair Compensation Act were not applicable to the case of the petitioners as no conditions prescribed under Section



24(2) of the Right to Fair Compensation Act were made out and even otherwise, the acquisition proceedings were initiated under the BDA Act and not under the Land Acquisition Act. On the date of the acquisition proceedings, a mahazar was drawn which would show that the case of the land owners did not fall within the guidelines issued by this Court for exclusion of their lands from the acquisition proceedings.

SUBMISSIONS ON BEHALF OF THE APPELLANTS/BDA:

12. Mr. K. Shashi Kiran Shetty, learned Advocate General assisted by learned counsel Mr. Murugesh V. Charati, learned counsel appearing for the appellants/BDA, submits that the challenge to the acquisition proceedings in the very same notifications was rejected in the writ petitions filed by the landowners, being W.P.No.44949/2003 and other connected matters and this Court specifically held that the challenge to the notifications did not have any substance. It was observed that the BDA had already implemented the scheme and 80% sites were formed by the BDA, which were allotted to the allottees.



13. It is further submitted that the conclusion of the learned Single Judge in the impugned judgment that the possession of the lands in question was not taken by the respondent-authorities by drawing a proper mahazar, was also incorrect. The physical possession may not be taken, but drawing of the mahazar and issuance of the notification under Section 16(2) of the Land Acquisition Act are sufficient to come to the conclusion that the possession of the lands was taken. The learned Single Judge, without there being a prayer for declaring the acquisition proceedings being lapsed in respect of the schedule property as per Section 24(2) of the Right to Fair Compensation Act and without there being a prayer for quashing of the notifications, has quashed the notifications issued under the BDA Act. The learned Single Judge has also overlooked the fact that the land acquisition proceedings initiated by the Government in the year 2002 were challenged after lapse of 12 years and instead of dismissing the writ petitions, the learned Single Judge has brushed aside the objection of limitation/gross delay and laches on the part of the petitioners in approaching the writ Court.



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14. It is further submitted that the learned Single Judge has overlooked the fact that the scheme has been substantially implemented inasmuch as the sites have been allotted to the allottees. In fact, the petitioners did not have any interest in the lands in question and it is the developer who happens to be the MLC is fighting the litigation inasmuch as the petitioners have executed GPA in favour of the wife of the MLC of the Karnataka Legislative Council. The allottees were not made parties before the learned Single Judge and without there being proper and necessary parties, the writ petitions have been allowed.

15. It has been further submitted that the possession of the lands in Survey Nos.47/1, 47/3, 47/4 and 47/5 of Gubbalala Village had been taken over by the BDA and after development of the land, sites have been allotted and possession has been handed over to the allottees. The Google Maps from 2000 to 2025 have also been produced by way of an affidavit dated 27.02.2026 filed by the Commissioner, BDA, which would reflect the formation of layout by the BDA and the houses having been constructed on the sites allotted. The details of 53



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allottees of the sites in respect of the lands in Survey Nos.47/1, 47/3, 47/4 and 47/5 of Gubbalala Village have also been provided in the affidavit dated 27.02.2026 filed by the Commissioner of BDA. It is further stated that necessary conveyance deeds have also been executed by the BDA in favour of the allottees.

**SUBMISSIONS ON BEHALF OF THE RESPONDENTS/
ALLOTTEES:**

16. On the other hand, Mr. Udaya Holla, learned Senior Counsel assisted by learned counsel Mr. Rajaram Sooryambail submits that the possession of the lands was not taken from the petitioners. Nebulous mahazars were drawn and therefore, the learned Single Judge has correctly held that once the possession has not been taken as per the procedure known to law inasmuch as possession mahazars were not properly drawn, the learned Single Judge was correct in quashing the land acquisition proceedings and holding that the scheme had lapsed under Section 27 of the BDA Act.

17. Mr. Udaya Holla has further submitted that till date, the scheme has not been implemented as no development has



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taken place over the lands. The submission is that as the scheme has not been implemented within five years from the date of the final notification, the scheme has got lapsed under Section 27 of the BDA Act and the learned Single Judge has rightly quashed the notifications.

ANALYSIS AND CONCLUSION:

18. We have considered the submissions.

19. This Court, in the judgment dated 09.01.2026 passed in W.A.No.944/2024 c/w W.A.No.926/2024, has repelled the contention that the very same scheme i.e., Banashankari VI Stage had lapsed under Section 27 of the BDA Act. Paragraphs 12 and 13 of the said judgment are extracted hereunder:

"12. The learned counsel appearing for the petitioners had submitted that the learned Single Judge vide judgment and order dated 11.04.2016 passed in Writ Petition Nos.57348-57350/2014 (LA-BDA) in respect of the same land acquisition proceedings had quashed the land acquisition proceedings in respect of the petitioners in those writ petitions on the ground of a nebulous mahazar and the fact that the notification issued under Section 16(2) of the Land



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Acquisition Act was not produced. The Writ Appeal No.1759/2019 against the said judgment came to be dismissed vide judgment dated 24.02.2020 primarily on the ground of enormous delay and laches of 1104 days. The Supreme Court had dismissed the Civil Appeal No.5455/2024 and 5456/2024, which was filed against the judgment passed by the Division Bench. In the peculiar facts and circumstances of that case the Supreme Court held that the BDA had reluctantly filed an intra Court appeal with delay of 1104 days and the Division Bench had primarily dismissed the appeal on the ground of inordinate and unexplained delay with some observations regarding failure of the BDA in taking possession of the lands or non-implementing of the scheme was also made. It was also observed that after the decision of the learned Single Judge until the intra Court Appeal was filed, some of the original owners had altered their position and third party rights were created and therefore, in view of the aforesaid facts the Civil Appeals were dismissed.

13. In another batch of Writ Appeals the Division Bench of this Court vide detailed Judgment and Order dated 03.04.2025 passed in Writ Appeal No.1026/2006 (LA-BDA) and connected writ appeals has upheld



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that land acquisition proceedings in respect of the same layout. The contention regarding the lapse of the scheme was specifically negatived in paragraph Nos.31 and 32. It was held that the acquisition process was lawful, fair and necessary for urban planning. Paragraph Nos.31, 32 and 36 of the said judgment are extracted hereunder:-

"31. The betterment tax levied under Section 20 of the BDA Act on 657 acres 15 guntas of deleted land was a justified measure to ensure that those who benefited from the proximity of the developed layout contributed towards urban infrastructure improvements. The BDA had already incurred significant expenses on land leveling, drainage formation, and other development works, spending crores of rupees to implement the scheme. Furthermore, possession of 580 acres 18 guntas was lawfully handed over to BDA's Engineering section for layout formation, while the remaining land was delayed due to court-imposed stay orders. The appellants' claim that the acquisition lapsed under Section 27 of the BDA Act and Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation, and Resettlement Act, 2013, is untenable, as possession has already



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

*32. The procedural fairness of the acquisition process is further reinforced by the compliance with Sections 15 to 19 of the BDA Act. The development scheme was prepared in strict accordance with Sections 15 and 16, and the Final Notification was issued after obtaining Government sanction under Section 18(3) of the BDA Act. Though the appellants have argued that they were denied a fair opportunity to present their objections, but this argument is factually incorrect, as public hearings were conducted, their objections were considered, and necessary modifications were made. The BDA Act does not mandate personal or oral hearings beyond the consideration of written objections, and this view is reaffirmed by a judgment of this Court in the case of **D. Hemachandra Sagar v. State of Karnataka, (1998 SCC OnLine Kar 549)** holding that, as long as a development scheme is*



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*prepared with broad compliance to
Section 16 of the BDA Act, procedural
sufficiency is maintained.*

33.XXXXXXXX.....

34.XXXXXXXX.....

35.XXXXXXXX.....

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

ORDER

- a) All these writ appeals namely,
i) W.A.No.1026/2006,*



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*ii) W.A.No.1093/2006,
iii) W.A.No.1116/2006,
iv) W.A.No.1164/2006,
v) W.A.No.1167/2006,
vi) W.A.No.1312/2006,
vii) W.A.No.1430/2006,
viii) W.A.No.1844/2006 and
ix) W.A.No.960/2007 filed by the
appellants are dismissed.*

*b) Consequently, i) the order dated
06.06.2006 passed by the learned
Single Judge in W.P.No.2066/2004, ii)
the order dated 06.06.2006 passed by
the learned Single Judge in
W.P.Nos.2057 to 2065/2004, iii) the
order dated 06.06.2006 passed by the
learned Single Judge in
W.P.Nos.43126- 43137/2003, iv) the
order dated 06.06.2006 passed by the
learned Single Judge in
W.P.Nos.54766/2003,49850/2003,481
58/2003 & 51132/2003, v) the order
dated 06.06.2006 passed by the
learned Single Judge in
W.P.No.4147/2004, vi) the order
dated 06.06.2006 passed by the
learned Single Judge in
W.P.No.2057/2004, vii) the order
dated 06.06.2006 passed by the
learned Single Judge in
W.P.No.2240/2004 viii) the order
dated 29.08.2006 passed by the
learned Single Judge in
W.P.No.50611/2003 and ix) the order
dated 14.03.2007 passed by the
learned Single Judge in*



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W.P.No.17452/2005, are hereby upheld. As a result, the acquisition proceedings are also upheld.

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

20. In the case of **OFFSHORE HOLDINGS PVT. LTD., vs BANGALORE DEVELOPMENT AUTHORITY ([2011] 3 SCC 139)**, it has been held that the BDA Act is a self-contained legislation. It is a social welfare legislation intended to achieve social object of planned development under the schemes made by the authority concerned in accordance with the provisions of the Act. It has been further held that to the limited extent of acquisition of land and payment of compensation, the provisions of the Land Acquisition Act could be applicable for the reason that they are neither in conflict with the State law nor do such provisions exist in the BDA Act. The provisions of Section 11-A of the Land Acquisition Act are not applicable to the land acquisition under the BDA Act. Paragraphs 122 to 124 of the said judgment are extracted hereunder:

"122. *To the limited extent of acquisition of land and payment of compensation, the provisions of the Land Acquisition Act would be*



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applicable for the reason that they are neither in conflict with the State law nor do such provisions exist in that Act. The provisions of the Land Acquisition Act relating thereto would fit into the scheme of the BDA Act. Both the Acts, therefore, can coexist and operate without conflict. It is no impossibility for the Court to reconcile the two statutes, in contrast to invalidation of the State law which is bound to cause serious legal consequences.

123. *Accepting the argument of the appellant would certainly frustrate the very object of the State law, particularly when both the enactments can peacefully operate together. To us, there appears to be no direct conflict between the provisions of the Land Acquisition Act and the BDA Act. The BDA Act does not admit reading of provisions of Section 11-A of the Land Acquisition Act into its scheme as it is bound to debilitate the very object of the State law. Parliament has not enacted any law with regard to development the competence of which, in fact, exclusively falls in the domain of the State Legislature with reference to Entries 5 and 18 of List II of Schedule VII.*

124. *Both these laws cover different fields of legislation and do not relate to the same List, leave apart the question of relating to the*



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same entry. Acquisition being merely an incident of planned development, the Court will have to ignore it even if there was some encroachment or overlapping. The BDA Act does not provide any provision in regard to compensation and manner of acquisition for which it refers to the provisions of the Land Acquisition Act. There are no provisions in the BDA Act which lay down detailed mechanism for the acquisition of property i.e. they are not covering the same field and, thus, there is no apparent irreconcilable conflict. The BDA Act provides a specific period during which the development under a scheme has to be implemented and if it is not so done, the consequences thereof would follow in terms of Section 27 of the BDA Act. None of the provisions of the Land Acquisition Act deals with implementation of schemes. We have already answered that the acquisition under the Land Acquisition Act cannot, in law, lapse if vesting has taken place. Therefore, the question of applying the provisions of Section 11-A of the Land Acquisition Act to the BDA Act does not arise. Section 27 of the BDA Act takes care of even the consequences of default, including the fate of acquisition, where vesting has not taken place under Section 27(3). Thus, there are no provisions under the two Acts which operate in the same field and



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have a direct irreconcilable conflict."

21. The learned Single Judge, while quashing the land acquisition proceedings on the ground that the compensation has not been deposited in the Court, has ignored the ratio laid down by the Supreme Court in the case **INDORE DEVELOPMENT AUTHORITY vs MANOHARLAL AND OTHERS ([2020] 8 SCC 129)**. The relevant paragraphs of the said decision read as under:-

"186. *The proviso uses the expression that the amount is to be deposited in the account of beneficiaries. Earlier under the 1894 Act, there was no such provision for depositing the amount in the bank account of beneficiaries but the method which was used as per the forms which were prescribed to deposit the amount, it was credited to the Reference Court or in the treasury in the names of the beneficiaries and as against the award. It was not a separate account but an account of the Reference Court or set apart in the treasury. The proviso has to be interpreted and given the meaning with Section 24(2) as an amount was required to be paid and on being prevented had to be deposited as envisaged under the 1894 Act.*



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206. *The concept of "deposit" is different and quite apart from the word "paid", due to which, lapse is provided in Section 24 of the 2013 Act. In the case of non-deposit for the majority of landholdings, higher compensation would follow as such word "paid" cannot include in its ambit word "deposited". To hold otherwise would be contrary to provisions contained in Section 24(2) and its proviso carrying different consequences. It is provided in Section 34 of 1894 Act, in case payment has not been tendered or paid, nor deposited the interest has to be paid as specified therein. In Section 24(2) also lapse is provided in case amount has not been paid and possession has not been taken.*

207. *In our considered opinion, there is a breach of obligation to deposit even if it is taken that amount to be deposited in the Reference Court in exigencies being prevented from payment as provided in Section 31(2). The default will not have the effect of reopening the concluded proceedings. The legal position and consequence which prevailed from 1893 till 2013 on failure to deposit was only the liability for interest and all those transactions were never sought to be invalidated by the provisions contained in Section 24. It is only in the case where in a pending proceeding for a period of*



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five years or more, the steps have not been taken for taking possession and for payment of compensation, then there is a lapse under Section 24(2). In case amount has not been deposited with respect to majority of landholdings, higher compensation has to follow. Both lapse and higher compensation are qualified with the condition of period of 5 years or more.

208. *It was submitted that mere tender of amount is not payment. The amount has to be actually paid. In our opinion, when amount has been tendered, the obligation has been fulfilled by the Collector. Landowners cannot be forced to receive it. In case a person has not accepted the amount wants to take the advantage of non-payment, though the amount has remained (sic unpaid) due to his own act. It is not open to him to contend that the amount has not been paid to him, as such, there should be lapse of the proceedings. Even in a case when offer for payment has been made but not deposited, liability to pay amount along with interest subsist and if not deposited for majority of holding, for that adequate provisions have been given in the proviso also to Section 24(2). The scheme of the 2013 Act in Sections 77 and 80 is also the same as that provided in Sections 31 and 34 of the 1894 Act.*



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209. *It was urged that landowners can seek investment in an interest bearing account, there is no doubt about that investment can be sought from the court under Sections 32 and 33 of 1894 Act, but interest in government securities is not more than what is provided in Section 34 @9% from the date of taking possession for one year and thereafter, @15%. We take judicial notice of the fact in no other government security rate of interest is higher on the amount being invested under Sections 32 and 33 of the 1894 Act. Higher rate of interest is available under Section 34 to the advantage of landowners. It was submitted that in case the amount is deposited in the court, it is on behalf of the beneficiary. The submission overlooks the form in which it used to be deposited in the treasury too, that amount is also credited in the treasury payable to the beneficiary specified in his name with land details, date of award, etc.*

210. *There is another reason why this Court holds that such an interpretation is reasonable and in tune with parliamentary intent. Under the old regime, it was open to the Collector to fix a convenient date or dates for announcement of award, and tender payment. In the event of refusal by the landowner to receive, or in other cases, such as absence of the true owner, or in*



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case of dispute as to who was to receive it, no doubt, the statute provided that the amount was to be deposited with the court: as it does today, under Section 77. Yet, neither during the time when the 1894 Act was in operation, nor under the 2013 Act, the entire acquisition does not lapse for non-deposit of the compensation amount in court. This is a significant aspect which none of the previous decisions have noticed. Thus, it would be incorrect to imply that failure to deposit compensation in court, under Section 31(2) would entail lapse, if the amounts have not been paid for five years or more prior to the coming into force of the 2013 Act. Such an interpretation would lead to retrospective operation, of a provision, and the nullification of acquisition proceedings, long completed, by imposition of a norm or standard, and its application for a time when it did not exist."

22. We find that the scheme has been substantially implemented inasmuch as 53 sites have been allotted to the allottees in respect of the lands of the petitioners. The conveyance deeds in favour of the allottees have been registered by the BDA. The Google Maps would also show that the allottees have put up construction of houses and the roads



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have been formed. Therefore, we are of the considered view that the scheme has been substantially implemented and there is no question of applicability of either the provisions of Section 27 of the BDA Act or the provisions of Section 24(2) of the Right to Fair Compensation Act. The award amount has been deposited in the Treasury and that is not in dispute.

23. We, therefore, set aside the impugned judgment and order dated 27.01.2025 passed by the learned Single Judge. Resultantly, the writ petitions are dismissed and the present writ appeals stand allowed.

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

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

**Sd/-
(T.M.NADAF)
JUDGE**

BKV
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