

**Reserved on : 09.04.2026
Pronounced on : 08.06.2026**

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 08TH DAY OF JUNE, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

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

WRIT APPEAL NO. 2074 OF 2025 (BDA)

BETWEEN:

BANGALORE DEVELOPMENT AUTHORITY,
BY ITS COMMISSIONER,
KUMARA PARK WEST,
T. CHOWDAIAH ROAD,
BANGALORE - 560 020.

(APPELLANT IS REPRESENTED BY SPECIAL
LAND ACQUISITION OFFICER, BDA)

...APPELLANT

(BY SRI. DHYAN CHINNNAPPA SR. COUNSEL FOR
SRI. K. KRISHNA, ADVOCATE)

AND:

1. SRI. CHENNAKESHA S.,
S/O LATE D.L. SRINIVAS,
AGED ABOUT 49 YEARS,
R/AT NO.230, MAHAVEER
CORNER APARTMENTS,
KENGARI UPANAGARA,
KENGARI,
BANGALORE - 560 060.
2. THE TAHASHILDAR,
BANGALORE SOUTH TALUK,
BANGALORE - 560 001.



3. SRI. CHOODAPPA,
S/O DEVAPPA,
AGED MAJOR,
R/AT NAGEGOWDANAPALYA,
B. M. KAVAL, KENGERI HOBLI,
BANGALORE SOUTH TALUK,
BANGALORE - 560 062.

...RESPONDENTS

(BY SRI. ASHOK HARANAHALLI SR. COUNSEL FOR
SRI. NARASIMHARAJU, ADVOCATE FOR C/R1,
SRI. ARUN G.S. AGA, FOR R2)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT, 1961, PRAYING TO SET ASIDE THE ORDER OF THE LEARNED SINGLE JUDGE PASSED IN WP NO.23061/2022 DATED:20.11.2025 AND DISMISS THE WRIT PETITION.

THIS WRIT APPEAL HAVING BEEN HEARD AND RESERVED FOR JUDGMENT, COMING ON FOR PRONOUNCEMENT THIS DAY, JUDGMENT IS DELIVERED/ PRONOUNCED AS UNDER:

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

CAV JUDGMENT

(PER: HON'BLE MR. JUSTICE T.M.NADAF)

This intra Court appeal is by the Bangalore Development Authority¹ calling in question the order dated 20th November 2025 passed by the Writ Court in No.23061/2022.

2. By the impugned order, the Writ Court allowed the Writ Petition and granted prayer sought in the Writ

¹ the BDA, for short

Petition along with other directions to take action against the erring officials of the BDA.

3. The parties are referred to as per their ranking before the Writ Court.

4. Facts germane to filing of this appeal are as under:

4.1 The case of the Writ Petitioner before the Writ court was that his grandfather purchased the land in an auction held on 04.06.1951 and the name of his grandfather - Sri.Lakshmaiah was entered in respect of 04 Acres of land in Sy.No.107, Block No.11 of BM Kaval Village, Bangalore South Taluk.

4.2 A Notification came to be issued by the BDA under Section 17(1) & (3) of the Bangalore Development Authority Act, 1976² proposing to acquire a total of 1,532 Acres 17 Guntas of land, spread over 8 villages, including BM Kaval (194.15 Acres) for the formation of the proposed Banashankari VI Stage

² the BDA Act, 1976

Layout and the Bangalore - Kanakapura Main Road. The name of the petitioner's grandfather was reflected in the Preliminary Notification in respect of 04 Acres of land at Sl.No.209. However, the BDA issued Final Notification on 10.09.2003 under Section 19 of the BDA Act, 1976 in which the 04 Acres of land shown against the name of petitioner's grandfather were not included. Thereafter, the BDA issued another Notification under Section 17(1) & (3) of the BDA Act, 1976 dated 19.09.2003 wherein the land shown against the name of petitioner's grandfather was specifically excluded/ dropped from acquisition and subjected to pay betterment Tax under Section 20 of the BDA Act, 1976. This clearly shows that the land was excluded from acquisition. However, the authorities of the BDA saying that the land has been acquired under the Final Notification in the name of respondent No.3, disbursed a sum of Rs.44,09,660/- as compensation to respondent No.3 who is not at all connected to the family, on the basis

of a fabricated document styled as Gift Deed which was alleged to be executed by Lakshmaiah in the year 1981, whereas the said Lakshmaiah had expired on 30.09.1978, which is evident from Annexure-C.

4.3 The said respondent No.3 - Choodappa got mutation entries in his favour subsequent to the Preliminary Notification dated 07.11.2002 i.e., on 14.11.2002 and substituted his name with the name of Lakshmaiah. The officials of the BDA though aware of all the subsequent actions viz., under Section 19 of the BDA Act, 1976 wherein the land shown against the name of Lakshmaiah were not included, subsequently directed to pay betterment charges under Section 20 of the BDA Act, 1976 issuing notification under Section 18(3) of the BDA Act, 1976. However, disbursed the compensation amount as if the land is acquired in favour of Choodappa, That apart, allotted 04 sites to Choodappa as incentive sites for the acquisition of lands. There are several other proceedings concluded before this Court in

W.P.No.8783/2008 and 46644/2011, so also Writ Appeal No.444/2013. The BDA Authorities are now coming on the petitioner for recovery of the amount, as such the petitioner filed the present Writ Petition seeking following reliefs:

PRAYER

WHEREFORE this Honourable court be pleased to issue a Writ of Mandamus directing the Respondent No.1:

- a. To have 4 acres of land culled out of survey No. 107, Block No.11 of B.M Kaval, Bangalore South Taluk, and mark the same by metes and bounds and release the same in favour of the petitioner, as the sole surviving legal representative of late Lakshmaiah and his son Srinivas, after collecting such Betterment fee, as may be legitimately due in respect of the said land.*
- a(1) Declaration to declare that the land bearing Sy.No.107/P20 measuring to an extent of 4 acres of B.M Kaval Village, Kengeri Hobli, Bangalore South Taluk, Bangalore stands excluded/ dropped from the acquisition proceedings by virtue of the Gazette Notification dated 12-09-2003 bearing No.BEM APRA:VIBHUSWA AA:A4:PR:834:2003-04, Bangalore dated 12-09-2003 as per ANNEXURE-H & consequently restraining the*

respondents authority from interfering with the possession and enjoyment of the petitioner over the aforesaid property.

- a(2) or in alternative direct the 1st respondent to determine the compensation to the subject property as per Right to Fair Compensation Act, 2013 to the property of the petitioner.*
- b. To direct the respondent, through its Commissioner, to initiate appropriate criminal and civil investigation as to the actions of the personnel who were involved in the acquisition proceedings, pertaining to the subject land of the petitioner and particularly with reference to the release of compensation amount to the Third respondent and also the release of the four incentive house sites to the said respondent and to submit a report, in due course.*
- c. Grant such other writ, order or direction, as deemed appropriate in the circumstances of the case and in the interest of justice.*

4.4 Before the Writ Court, the BDA contended that earlier action under Section 18(3) and 19 in excluding the land and directing them to pay betterment charges was under misconception and misdirected which has been clarified in the earlier Writ Petition and taking note of the same, the Writ

Court earlier directed the petitioner to approach the appropriate Forum and sought to dismiss the Writ Petition.

- 4.5 The Writ Court after considering the entire material meticulously, especially in Paragraph Nos.19 and 22 has held that the action of the respondent Authorities i.e., the BDA was deliberate, intentional and the same was done without holding a proper verification or inquiry as contemplated under the law, disbursed the amount and allotted 04 incentive sites where the land was never acquired and mutation was effected only after the issuance of Preliminary Notification. As such, the omission to conduct a minimum scrutiny, where the proceedings having been already dropped as per Annexure-H, renders the action of the BDA wholly unsustainable. Further held that, despite the proceedings having been dropped, despite the land never having vested in the BDA, the officials of the BDA released a sum of Rs.44,09,660/- and allotted 04 incentive sites to a person who had no semblance

of title, action, which the BDA itself acknowledged in Annexure-K, the objections filed in the earlier Writ Petition, as such the action was undertaken without statutory authority and held that the same amounts to fraud and fraud vitiates every administrative act, as no rights can accrue from it, and no public authority can shelter behind it and consequently, the BDA's entire action stands vitiated and cannot withstand the judicial scrutiny as the action contemplated reeks with malafides. Accordingly answered the point framed by it at paragraph No.18 in favor of the petitioner and allowed the Writ Petition. It is this order passed by the Writ Court is called in question in this appeal by the BDA.

5. Heard, Sri.Dhyan Chinnappa, learned Senior counsel assisted by Sri.K.Krishna, learned counsel appearing for the BDA, Sri.Arun.G.S, learned AGA for respondent No.2 and Sri.Ashok Haranahalli, learned Senior counsel assisted by Sri.Narasimharaju, learned counsel appearing for respondent No.1.

6. We have heard both the learned Senior counsel for the contesting parties. After much deliberation, the matter was listed for hearing on 12.03.2026, on the said date further time was sought till 01.04.2026. On 01.04.2026, learned Senior counsel appearing on behalf of the BDA has submitted that the petitioner way back in the year 2020 sold the entire property and has suppressed this important material fact before the Writ Court and obtained an order which is unsustainable in law. As such he has lost interest in the property and he has no *locus standi* to prefer the Writ Petition seeking reliefs which are no more amenable to him in view of the settled position of law.

7. Learned Senior counsel for the appellant sought time to file an affidavit producing the copy of the Sale Deed and sought time till 09.04.2026. On 09.04.2026, when the matter was listed, an application was filed being I.A.No.2/2026 seeking permission to produce Absolute Sale Deed dated 08.02.2020 executed by the petitioner along with his wife in favour of one Mr.Devadas Shetty and

one Mr.A.Mahesh Shetty conveying the entire land in dispute in the Writ Petition for sale consideration of Rs.6,00,00,000/-. A copy was served well in advance on respondent No.1, however no objections were filed.

8. To the query of the court, learned counsel for respondent No.1 is answerless to say anything on the registered Sale Deed on instruction. But admitted the fact that he has already sold the property.

9. Further, to the query of the Court, what was the impediment for him to not to disclose the said fact in the Writ Petition, again counsel for contesting respondent No.1/ petitioner is answerless to substantiate anything.

10. Considering this aspect of the matter, since the Sale Deed was executed in 2020, which was not within the knowledge of the BDA and the same came to its knowledge subsequently and since the BDA has fulfilled the conditions as contained under Order XLI Rule 27 for production of document, we allow the application and has taken the document on record. After considering the said

document and the conduct of the petitioner, on a short point, this appeal is required to be disposed of on maintainability of the Writ Petition as rightly contended by the Sri.Dhyan Chinnappa, learned Senior counsel appearing for the BDA. The petitioner once having conveyed the entire property i.e., the property in dispute way back in the year 2020, has lost all his right, title and interest in the property and possess no locus and right to stake any challenge to the actions of BDA by means of prayer sought in the Writ Petition. In these circumstances, the Writ Petition filed by the petitioner is required to be dismissed as not maintainable.

11. There are catena of Judgments by this Court as well as the Supreme Court which held that, a person loses right to seek challenge to acquisition proceedings once he sells the property in dispute, as he loses his interest in the property. In that view of the matter, without expressing anything on the merits of the case and even on the order passed by the Writ Court, we dispose of this appeal

holding that the Writ Petition filed by contesting respondent No.1/ petitioner is not maintainable.

12. Our view gain strength with the judicial pronouncement of Coordinate bench of this Court in the case of **H.N.SHIVANNA & OTHERS VS. STATE OF KARNATAKA AND ANOTHER**³, wherein at Paragraph No.41, the Court held as under:

"40. In view of the findings recorded earlier that under the Act, it is permissible to issue successive notifications under Section 28(4) of the Act the challenge to the acquisition on that ground has to necessarily fail. However, it was contended in view of the settled legal position, the final notification ought to have been issued within a reasonable time of one year and the award ought to have been passed within a reasonable time of two years from the date of final notification and in the instant case, the final notification had been issued nearly after five years from the date of preliminary notification and the award having been passed nearly after 4 years 8 months from the date of final notification, the entire acquisition proceedings lapses. Certainly, the said ground would have been a valid ground for the petitioners, if they had not sold their property immediately after the preliminary notification. On the day they filed the writ petitions they were not the owners of the property. The principle underlying acquisition being vitiated on account of delay is, once a preliminary notification is issued, the compensation payable being the market value, the said value is pegged to the date of preliminary notification. Any delay in issuance of final notification and passing of the award determining compensation would obviously affect the interest of the land owners because they are paid compensation on the basis of the market value prevailing on the date of the preliminary notification. In the instant case, the question of paying the

³ 2013 (4) AKR 163

compensation would not arise since within three months from the date of preliminary notification, the petitioners have sold the property. Therefore, it is clear that the petitioners did not intend to retain the property and hence have sold the property within three months from the date of preliminary notification. They got the market price and enjoyed the said value of the property. Now they cannot be heard to say that the final notification, which is issued 4 years 8 months after the preliminary notification, vitiates the acquisition proceedings, on the ground that they are deprived of the market value of the property."

(Emphasis supplied)

13. We are alive to the situation that any observations or deliberations on the merits of the case, having considered on the basis of the materials placed before the Writ Court may prejudice either party, as per the contention of learned Senior counsel appearing for contesting respondent No.1/petitioner that, the same would affect the rights of the subsequent purchaser, when the entire action are held that the officials have acted arbitrarily and without any authority of law in disbursing the amount and granting 04 incentive sites to a person who was neither in possession nor having any right, title or interest in the property as the entire claim was based on an unregistered document said to have been executed by a dead person after three years of his death and only

on the entry in the RTC on the basis of such document which cannot be considered as document for the purpose of entering acquisition rights as provided under the provisions of Karnataka Land Revenue Act. Accordingly, we ***dispose of*** this Writ Appeal holding that the Writ Petition filed by the contesting respondent No.1/ petitioner is not maintainable. However, making it clear that we have not expressed any view of ours on the merits of the case as considered by the Writ Court.

14. In view of disposal of Writ Appeal, pending interlocutory applications, if any stand disposed of.

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

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

TKN
Ct: Vn