



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR

WRIT PETITION NO.14787 OF 2013 (LA-KIADB)

BETWEEN:

SUPREME BUILD CAP LIMITED
OFFICE AT NO.8/A, COMMISSIONER LANE,
CIVIL LINES, NEW DELHI – 110 054
HAVING ITS BRANCH OFFICE AT NO.2/1,
EMBASSY-ICON-ANNEXE, INFANTRY ROAD
NEXT TO POLICE COMMISSIONER'S OFFICE
BANGALORE-560 001
REPRESENTED BY ITS AUTHORISED SIGNATORY
SRI K R ASHOK.

...PETITIONER

(BY SRI. JAYAKUMAR.S.PATIL, SENIOR COUNSEL APPEARING FOR
SRI. P.N.RAJESWARA, ADVOCATE)

AND:

1. SUBHAM PROPERTIES PVT. LTD
A COMPANY INCORPORATED UNDER
THE COMPANIES ACT, 1956
HAVING ITS REGISTERED OFFICE
AT NO.7, CHITTARANJAN AVENUE
KOLKATTA-700 072
AND ITS BANGALORE BRNACH
AT NO.100, K H ROAD
BANGALORE-560027
REPRESENTED BY ITS
AUTHORIZED SIGNATORY
SRI ASHWIN SANCHETI.
2. STATE OF KARNATAKA
BY ITS SECRETARY
COMMERCE & INDUSTRIES DEPARTMENT
VIKAS SOUDHA
BANGALORE-560 001.

Digitally
signed by
CHANDANA
B M

Location:
High Court
of Karnataka



3. THE KARNATAKA INDUSTRIAL AREAS DEVELOPMENT BOARD
NO.14/3, 2ND FLOOR,
RASTOTHANA PARISHATH BUILDING
NRUPATHUNGA ROAD
BANGALORE-560 001.
REPRESENTED BY ITS
CHIEF EXECUTIVE OFFICE &
EXECUTIVE MEMBER.
4. THE SPECIAL LAND ACQUISITION OFFICER
KARNATAKA INDUSTRIAL AREAS
DEVELOPMENT BOARD
NO.14/3, 2ND FLOOR
RASTOTHANA PARISHATH BUILDING
NRUPATHUNGA ROAD
BANGALORE – 560 001.
5. THE INSPECTOR OF POLICE
HAL(VIMANAPURA) POLICE STATION
OLD AIRPORT ROAD, BANGALORE - 560 037.
6. ADAMAS BUILDERS PVT. LTD.
HAVING ITS REGISTERED OFFICE
AT NO. 212, GROUND FLOOR, 1ST CROSS
4TH STAGE, BEHIND TRINITY MOTORS
INDUSTRIAL TOWN, RAJAJINAGAR
BANGALORE – 560 044.

ALSO AT GLOBE TECHNOLOGY PARK
BLOCK 'C' MARATHAHALLI OUTER RING ROAD
DEVARABEESANAHALLI VILLAGE
VARTHUR HOBLI
BANGALORE – 560 013.
(AMENDED CARRIED OUT
VIDE ORDER DATED 05.09.2024)

...RESPONDENTS

(BY SRI. BRIJESH PATIL, ADVOCATE FOR R-1
SMT. SARITHA KULKARNI, AGA FOR R-2 & R-5
SRI. B.B.PATIL, ADVOCATE FOR R-3 & R-4
SRI. PREETHAM P.S., ADVOCATE FOR R-6)

THIS W.P. IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION
OF INDIA PRAYING TO SET ASIDE ORDER DATED 23.08.2005 IN
W.P.No.13808/2005 VIDE ANNEXURE-A BY THIS HON'BLE COURT AS IT
ADVERSELY AFFECTS THE INTEREST OF THE PETITIONER THOUGH



THE PETITIONER WAS NOT A PARTY TO THE SAID PROCEEDINGS AND ETC.

THIS PETITION, COMING ON FOR *FURTHER HEARING*, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR

ORAL ORDER

In this petition, petitioner seeks the following reliefs:

“i) *Issue an appropriate writ or order or direction to set aside order dated 23.08.2005 in WP No.13808/2005 (Annexure-A) by this Hon'ble Court as it adversely affects the interest of the petitioner though the petitioner was not a party to the said proceedings.*

ii) *Issue a writ of mandamus directing respondents 2 to 5 to give protection to the petitioner to carry on the activity in the land at Sy.No.46/3 of Devarabeesanahalli Varthur Hobli, Bangalore East Taluk, measuring 0-08 guntas bounded on the east by Sy.No.42 west by Ring Road North by Ring Road and south by Sy.No.43 as per Lease cum Sale Agreement dated 06.07.2005 (Annexure-V); and*

iii) *Pass such other orders as this Hon'ble Court deems fit including the award of costs in the interest of justice and equity.”*

2. Heard learned Senior Counsel for the petitioner and learned counsel for respondent No.1 and learned AGA for



respondent Nos.2 and 5 and learned counsels for respondent Nos.3, 4 and 6 and perused the material on record.

3. Briefly stated, the facts giving rise to the present petition as contended by the petitioner are as under:

The petitioner claims to have been allotted 14 acres 32.5 guntas of land including 8 guntas in Sy.No.46/3 situated at Deverabeesanahalli Village, Varthur Hobli, Bangalore East Taluk, by respondent Nos.3 and 4 – KIADB vide Allotment letter and Possession Certificate dated 15.06.2004 and 16.06.2004 issued by the KIADB in favour of the petitioner. It is contended that the respondent No.1 herein preferred a writ petition in W.P.No.13808/2005 against the State of Karnataka by arraying it as respondent No.1 and KIADB and its SLAO as respondent Nos.2 and 3 and without impleading or arraying the petitioner herein as a party to the said petition in W.P.No.13808/2005, in which the respondent No.1 herein sought for quashing of the acquisition proceedings in respect of 12 guntas of land purchased by the respondent No.1 herein. The said W.P.No.13808/2005 was dismissed by the Co-ordinate Bench of this Court vide final order dated 23.08.2005, which is assailed in the present petition.



4. In addition to reiterating the various contentions urged in the petition and referring to the material on record, learned Senior Counsel for the petitioner invited my attention to the material on record including the impugned order in order to contend that this Court dismissed W.P.No.13808/2005 by recording the inaccurate, incorrect and erroneous misstatement of fact made by respondent Nos.3 and 4 – KIADB that the 12 guntas of land which was described by respondent No.1 – writ petitioner in the said W.P.No.13808/2005 as petition schedule property had not been acquired by the KIADB.

5. It is submitted that the said 12 guntas of land which was claimed by respondent No.1 herein – writ petitioner as petition schedule property was subject matter of the acquisition proceedings and covered by the Preliminary Notification dated 10.12.2001 and Final Notification dated 24.03.2004, which was in relation to land bearing Survey No.46/3 measuring 8 guntas and the KIADB could not have made such a submission before the learned Single Judge, who disposed of W.P.No.13808/2005 by passing the impugned order dated 23.08.2005, which affects the



valuable proprietary and possessory rights of the petitioner, who was allotted the said portion of land by the KIADB and as such, the petitioner is before this Court by way of the present petition.

6. Per contra, learned counsel for respondent No.1 would invite my attention to the impugned order in order to point out that the writ petition filed by respondent No.1 – writ petitioner was dismissed placing on record the submission made by the learned counsel for the KIADB and as such, the petitioner cannot be said to be aggrieved by the said order dismissing the writ petition filed by the respondent No.1 – writ petitioner.

7. He would also point out that since respondent Nos.3 and 4 – KIADB did not issue any corrigendum pursuant to the said order passed by this Court, the respondent No.1 herein filed W.P.No.18854/2007, which was dismissed by this Court vide final order dated 28.06.2010 and respondent No.1 herein having challenged the same in W.A.No.3106/2010, the Hon'ble Division Bench recorded a categorical finding that the KIADB had not made misstatement of fact and the question of granting liberty in favour of the KIADB would not arise and since the petitioner herein is a party



to the said Writ appeal in W.A.No.3106/2010, which was disposed of on 27.08.2012, the said order having attained finality and become conclusive and binding upon the petitioner, it was impermissible in law for the petitioner to file a separate / independent / fresh / new petition seeking review / setting aside of the order passed by the learned Single Judge in W.P.No.13808/2005 dated 23.08.2005 by way of the present petition, which would have the effect of nullifying the findings and order passed by the Hon'ble Division Bench in W.A.No.3106/2010, to which the petitioner was a party and as such, there is no merit in the petition and the same is liable to be dismissed.

8. So also, learned counsel for respondent Nos.3 and 4 – KIADB would reiterate the various contentions urged in the statement of objections and would reiterate that the land claimed by respondent No.1 herein i.e., writ petitioner in W.P.No.13808/2005 measuring 12 guntas in Survey No.46/3 had not been acquired by the KIADB and the same was not part and parcel of the Final Notifications dated 24.03.2004 or 07.05.2004 and it has been the consistent stand of KIADB throughout the year 2005, till now that the said land claimed by respondent No.1 herein



– writ petitioner had not been acquired by the KIADB. It is submitted that this stand / stance was taken / adopted by the KIADB at the earliest point in time in their statement of objections dated 29.07.2005 filed in W.P.No.13808/2005 on the basis of which this Court disposed of the said petition vide final order dated 23.08.2005, which cannot be challenged by the petitioner, who does not have *locus standi* to prefer the present petition, which is liable to be dismissed.

9. It was submitted that the specific statement / submission made by KIADB in W.P.No.13808/2005 that the property claimed by the respondent No.1 herein i.e., petition schedule property bearing Sy.No.46/3 measuring 12 guntas was / is not acquired by KIADB was not a misstatement of fact and the same was correct and proper leading to disposal of the said petition by this Court and as such, there is no merit in the present petition and the same is liable to be dismissed.

10. I have given my anxious consideration to the rival submissions and perused the material on record.



11. Before advertng to the rival submissions, it would be necessary to state that the order impugned in the present petition arises out of the earlier round of litigation in W.P.No.13808/2005 filed by respondent No.1 herein i.e., writ petitioner against the State of Karnataka and the KIADB, in which he sought for the following reliefs and interim reliefs:

“(i) To issue a writ of certiorari or such other appropriate writ or orders or directions quashing the:

(a) Notification No.CI 255 SPQ 2001, Bangalore dated 10.12.2001 issued under Section 3(1) of the KIADB Act by the 1st Respondent (published in the Karnataka Gazette on 10.12.2001) i.e., Annexure-A.

(b) Notification No.CI 255 SPQ 2001, Bangalore dated 10.12.2001 issued under Section 3(1) of the KIADV Act by the 1st Respondent (published in the Karnataka Gazette on 10.12.2001) i.e., Annexure-B.

(c) Notification No.CI 255 SPQ 2001, Bangalore dated 10.12.2001 issued under Section 28(1) of the KIADB Act by the 1st Respondent (published in the Karnataka Gazette on 10.12.2001) i.e., Annexure-C.

(d) Notification No.CI 290 SPQ 2002, Bangalore dated 24.03.2004 issued under Section 28(4) of the KIADV Act by the 1st Respondent (published in the Karnataka Gazette on 24.03.2004) i.e., Annexure-D.

in so far as these notifications relate to the lands of the petitioner i.e., lands in Sy.No.46/3 measuring 8 guntas, situated at Devarabisanahalli Varthur Hobli, Bangalore East Taluk.

(ii) To award costs and grant such other reliefs or pass such other order(s) as this Hon’ble Court deems fit



and expedient in the circumstances of the case, in the interest of justice and equity.”

“INTERIM PRAYER

“Pending disposals of the above writ petition, the petitioner above named humbly prays that this Hon’ble Court be pleased to stay the operation of the;

(a) Notification No.CI 255 SPQ 2001, Bangalore dated 10.12.2001 issued under Section 3(1) of the KIADB Act by the 1st Respondent (published in the Karnataka Gazette on 10.12.2001) i.e., Annexure-A.

(b) Notification No.CI 255 SPQ 2001, Bangalore dated 10.12.2001 issued under Section 3(1) of the KIADV Act by the 1st Respondent (published in the Karnataka Gazette on 10.12.2001) i.e., Annexure-B.

(c) Notification No.CI 255 SPQ 2001, Bangalore dated 10.12.2001 issued under Section 28(1) of the KIADB Act by the 1st Respondent (published in the Karnataka Gazette on 10.12.2001) i.e., Annexure-C

(d) Notification No.CI 290 SPQ 2002, Bangalore dated 24.03.2004 issued under Section 28(4) of the KIADB Act by the 1st Respondent (published in the Karnataka Gazette on 24.03.2004) i.e., Annexure-D.

In so far as these notifications relate to the lands of the petitioner i.e., lands in Sy.No.46/3 measuring 8 guntas, situated at Devarabisanahalli Village, Varthur Hobli, Bangalore East Taluk and all further proceedings thereon in the interest of justice and equity.”

SCHEDULE

All that piece and parcel of the property bearing Survey No.46/3 situated at Devarabeesanahalli Village,



Bangalore East Taluk, Bangalore District, in all measuring 12 guntas and bounded on the.

*East by : Property bearing Sy.No.42
West by : Property bearing Sy.No.44
North by : Road
South by : Property bearing Sy.No.43."*

12. The KIADB, who were arrayed as respondent Nos.2 and 3 in the said petition filed their statement of objections as hereunder:

*"UNDER RULE 21 OF THE WRIT PROCEEDINGS RULES
OBJECTIONS STATEMENT OF RESPONDENTS 2 & 3*

It is submitted as follows

1. The above writ petition is filed to issue a writ of certiorari or such other appropriate writ, order or directions quashing notifications dated 10.12.2001 issued u/ss 3(1), 1(3) and 28(1) of the KIAD Act produced as Annexures-'A' to 'C' respectively and the notification dated 24.3.2004 issued u/s 28(4) of the KIAD Act produced as Annexure-'D' in so far as the notifications relate to the land of the petitioner i.e., 8 guntas in Sy.No.46/3 at Devarabisanahalli, Varthur Hobli, Bangalore East Taluk and to award costs and grant such other reliefs as the Hon'ble Court deems fit and expedient in the interest of justice and equity.

2. The writ petition is not maintainable either in law or on facts. The petitioner is a subsequent purchaser who claims to have purchased the property in question under a sale



deed dated 20.08.2004. The said sale being subsequent to preliminary and final notifications, the petitioner has no locus standie to question the acquisition and the writ petition is liable to be dismissed as not maintainable and in limine. The writ petition is misconceived as it is filed without verifying correct facts. However, without prejudice to these contentions, the respondents would submit as under:

3. An extent of 2 acres 18 guntas of land in Sy.No.46/3 of Devarabisanahalli village, Varthur Hobli, Bangalore East Taluk along with several other survey numbers was proposed for acquisition under notification at Annexure-C' dated and published on 10.12.2001 The khatedars and anubhavadars as per the notification are (1) Krishna Reddy (2) Munishami Reddy (3) Ramaiah bin Sidda Reddy Notifications u/ss 3(1) and 1(3) were also issued in respect of the lands notified declaring the said lands as industrial area and making applicable the provisions of Chapter VII of the KIAD Act.

4. As per the RTC of the year 2001-2002 Sri Ramaiah Reddy is the owner of 0-32 guntas of land. He is said to have got converted an extent of 13 guntas for residential purposes by the Special Deputy Commissioner under an order dated 5.2.2004. Out of the extent notified in Sy.No.46/3, an extent of 12 guntas has been deleted vide notification issued u/s 4 of KIAD Act, dated 13.2.2004 and published in the Gazette on the same date as the lands were not required for the purposes of the Act. However, in the final notification issued only 8 guntas bounded on East



by Sy.No.42 West by Ring road, North by Ring road and South by Sy.No.43 was acquired and the said notification is issued in the name of Krishna Reddy who is one of the khatedars notified in the preliminary notifications. The boundaries of this extent are different from the one claimed by the petitioner. It is also to be noted that the petitioner has purchased the land from Sri Ramaiah Reddy. It is not correct to say that an extent of 12 guntas of land in Sy.No.46/3 de-notified under Annexure-'F' has been re-acquired The writ petition is filed on an unfounded apprehension even though the notification relates to the extend of 8 guntas belonging to Sri Krishna Ready. The respondents would also submit that the land purchased by the petitioner is from Sri Ramaiah Reddy bin Sidda Reddy and the said land is not acquired by the respondents. It is to submit that notice u/ss 9 and 10 of the LA Act was also issued to Sri Ramaiah Reddy bin Sidda Reddy since his name appeared in the record of rights and the khata was in joint.

5. All other averments not specifically denied are hereby traversed as false, baseless and untenable in law.

Wherefore, it is prayed that the Hon'ble Court be pleased to dismiss the writ petition in the interest of justice."

13. As can be seen from the statement of objections filed by the KIADB at the earliest point in time, it was specifically stated that the petition schedule property claimed by the writ petitioner



(respondent No.1 herein) had not been acquired by the KIADB and it is only 8 guntas of Krishna Reddy's land which was acquired and not the 12 guntas of land claimed by the writ petitioner i.e., respondent No.1 herein, which was described as the petition schedule property. The said contention urged in the statement of objections and submissions made in this regard before this Court was accepted and this Court proceeded to pass the following impugned order dated 23.08.2005 as hereunder:

“The petitioner in this case claims to be the owner of converted land of Survey No.46/3 situated at Devarabisanahalli village, Varthur Hobli, Bangalore East Taluk, Measuring 12 guntas of land contending that the said land has been acquired by the KIADB, the present petition is filed to quash the Notification referred to Annexures-A,B,C and D in respect of 12 guntas of land purchased by the petitioner.

2. *Sri. Basavaraj V. Sabarad, learned Counsel for the respondents 2 and 3 submits that the lands of the petitioner have not been acquired for the respondents under Notification Annexures A to D respectively. When the respondents Counsel submits that the lands of the petitioner is not acquired, the question of quashing the notification Annexure-A to D to the writ petition does not survive for consideration .*

3. *Placing the submission of the learned counsel for the respondents on record, this writ petition is dismissed.”*



14. It is a matter of record and an undisputed fact that subsequently, respondent No.1 herein filed W.P.No.18854/2007 for direction to the KIADB to issue a Corrigendum to the effect that its 12 guntas of land in Sy.No.46/3 had not been acquired. It is also not in dispute that the petitioner herein i.e., M/s.Supreme Build Cap Limited was arrayed as respondent No.4 in the said W.P.No.18854/2007, which was disposed of by the learned Single Judge of this Court on 28.06.2010 by holding that the submission / statement made by the KIADB in W.P.No.13808/2005 was a misstatement of fact and unless the said order was recalled, it was not proper for this Court to sit in judgment over the rival claims of the parties. This Court also reserved liberty to the KIADB to move an application for review of the judgment in W.P.No.13808/2005 and accordingly, disposed of the petition.

15. Aggrieved by the said order passed by the learned Single Judge in W.P.No.18854/2007 dated 28.06.2010, the respondent No.1 herein preferred an appeal in W.A.No.3106/2010, in which the Hon'ble Division Bench of this Court vide interim order dated 20.06.2011 directed the KIADB as well as the State



Government to file affidavits indicating the entire extent of land that in Sy.No.46/3, how much land was acquired and how much land was de-notified and at whose instance. Accordingly, the SLAO, KIADB filed an affidavit, which reads as under:

"AFFIDAVIT

I, Naveen Kumar Raju, S/o. Sudhakar Raju, aged about 32 years, resident of Bangalore, do hereby solemn affirm and state on oath as follows:

1. I am working as Special Land Acquisition Officer, KIADB with effect from 08.03.2012. I am filing this affidavit in compliance of order of this Hon'ble Court dated 20.06.2011.

2 I submit that the Government issued notification No.CI 255 SPQ 2001 dated 10.12.2001 for acquisition of 126 acres 6 guntas land at Villages Devarabeesanahalli, Bellandur, Amanibellandur Khane and Kariammana Agrahara of Varthur Hobli, now in Bangalore East Taluk. Out of the total extent notified, 54 acres 29 guntas was at Devarabeesanahalli Village. In that extent land in Sy.No.46/3 measuring 2 acres 18 guntas was also included and it stood in joint names of Sriyuths Krishna Reddy and Munishami Reddy and Ramaiah all sons of Sidda Reddy. On 3.02.2004, the Government issued a notification u/s. 4 of KIAD Act excluding an extent of 12 guntas in Sy No.46/3. I submit that the notification to exclude 12 guntas was issued at Government level and it is not known at whose



instance the land was de-notified. Thereafter, vide notification No.CI:290:SPQ 2002 dated 24.03.2004 issued u/s. 28(4), an extent of 8 guntas in Sy. No. 46/3 was acquired.

Hence, this affidavit.”

16. So also, the Under Secretary to the Government, Commerce and Industries Department filed an affidavit, which reads as under:

“AFFIDAVIT

I, A.P. Ramakrishna S/o. Sri Puttanna, aged about 57 years, presently working as Under Secretary to Government, Commerce and Department, Industries Vikasa Soudha, Bangalore, do hereby solemnly affirm and state on oath as follows:

2. I am working as Under Secretary to Government, Commerce and Department, Industries Vikasa Soudha, Bangalore. I know the facts of the case as such, I am swearing to this affidavit on behalf of the Government.

3. I respectfully submit that by Preliminary notification dated 10.12.2001, an extent of 2 acres 18 guntas was acquired in Survey No.46/3 of Devarabeesanahalli Village, Bangalore East Taluk which was proposed for acquisition for the purpose of formation of Industrial Area.



4. I respectfully submit that after the preliminary notification, the Joint Measurement Certificate was not conducted by the Special Land Acquisition Officer it was found that an extent of 2 acres 10 guntas was available. In view of the fact that the said land has been acquired for the purpose of Ring Road and also Infosys Company as such, the remaining extent of 8 guntas of land has been recommended for Final Notification which extent found a place in the Final Notification. A copy of the Joint Measurement Certificate is produced along with this affidavit.

5. I respectfully submit that under the Final Notification dated 24.03.2004, an extent of 8 guntas has been acquired in the said Survey Number.

6. I further respectfully submit that as per the De-notification, 12 guntas of land which was dropped from acquisition on the basis Writ Petition filed by the owner of the land-Sri Ramaiah Reddy on the ground that the same is being developed for the purpose of Software Development and that the purpose for which the acquisition is proposed is also for allotment of Industries and Infrastructures projects.

7. I submit that this De-Notification has been made on the mistaken fact that the said land is also under acquisition since the entire extent of 2 acre 18 guntas in Survey No. 46/3 was notified under the Preliminary notification. In the meantime, Joint Measurement Certificate



Report has recommended only 8 guntas for Final Notification.

8. What is stated above is true to the best of my knowledge, information and also based on the records maintained in the Department.

WHEREFORE, in the circumstances stated above, I most respectfully pray that this Hon'ble Court be pleased to take on record the aforesaid affidavit and accept the same, in the interest of justice and equity."

17. As can be seen from the aforesaid Affidavits filed by the KIADB and State Government, they reiterated their earlier stance / stand that 12 guntas of land claimed by respondent No.1 herein had not been acquired and it was only the 8 guntas of land which stood in the name of Krishna Reddy that had been acquired by KIADB. Subsequently, after hearing the parties, the Hon'ble Division Bench disposed of W.A.No.3106/2010 vide final order dated 27.08.2012 specifically holding that neither the KIADB nor the SLAO had stated anywhere that the statements made by them in W.P.No.13808/2005 was misstatement of fact and the order passed by the learned Single Judge in W.P.No.18854/2007 was incorrect inasmuch as the question of granting liberty to the KIADB to move an application for review of the judgment in



W.P.13808/2005 did not arise at all. The Hon'ble Division Bench also held that though the said order was passed by the learned Single Judge in W.P.No.18854/2007 on 28.06.2010, more than two years prior to disposal of the Writ Appeal on 27.08.2012, the KIADB had not moved any such application for reviewing the order of the learned Single Judge.

18. Accordingly, the Hon'ble Division Bench came to the conclusion that the order of the learned Single Judge in W.P.No.13808/2005 dated 23.08.2005 (which is impugned in the present petition) had become final and there was no necessity for the respondent No.1 herein to file a writ petition again seeking clarification or corrigendum especially when it was not the case of the KIADB that the property of the respondent No.1 herein was the subject matter of the acquisition proceeding. Accordingly, the Hon'ble Division Bench disposed of W.A.No.3106/2010 vide final order dated 27.08.2012 by holding as under:

"The legality and correctness of the order passed in Writ Petition No.18854/2007 (LA-KIADB), dated 28th June 2010, is called in question in this appeal.

2. The appellant claiming to be the purchaser of 12 guntas of land in Survey No.46/3 of Devarabisanahalli*



village, had filed a writ petition earlier before this Court in Writ Petition No.13808/2005 questioning the acquisition proceedings dated 10.12.2001. The Notification was in respect of 12 guntas of land said to have been purchased by the appellant herein. In the said writ petition, learned counsel who was appearing for Karnataka Industrial Areas Development Board (KIADB) and the Special Land Acquisition Officer made a submission that the appellant's lands are not acquired and therefore, the writ petition filed by him does not survive for consideration. The said statement was made by the learned Member of the Bar based on the objections statement filed by the aforesaid parties. Placing the submission of the learned counsel for the Karnataka Industrial Areas Development Board and the Special Land Acquisition Officer, one of us (KLMJ), disposed of the writ petition on 23rd August 2005 as does not survives for consideration. Thereafter, the present writ petition is filed by the appellant to issue a corrigendum to the acquisition proceedings under the premise that his land is also acquired under the acquisition notification. The said writ petition was considered by the learned Single Judge. The learned Single Judge having come to the conclusion that based on the statement made by the learned counsel for Karnataka Industrial Areas Development Board and the Special Land Acquisition Officer in Writ Petition No.13808/2005, unless and until the said order is recalled, he cannot sit in judgment over the rival claims of the parties and granted liberty to KIADB to move an application for review of the judgment in W.P.No.13808/2005. Challenging the liberty granted to the



KIADB to move an application for review of the judgment in W.P.No.13808/2005 and also on the ground that the relief sought for by the writ petitioner is not considered by the Single Judge, the present appeal is filed.

3. We have heard Sri R.L.Patil, learned counsel appearing for the appellant, Sri M.Keshava Reddy, learned Addl.Govt. Advocate appearing for 1st respondent, Sri Basavaraj V. Sabarad, learned counsel appearing for KIADB and Sri Udaya Holla, learned Senior Counsel appearing for 4th respondent.

4. Having heard the learned counsel for the parties, we are of the opinion that there was no necessity for the appellant herein to file any writ petition seeking any clarification in view of the categorical statement made by the Special Land Acquisition Officer stating that the appellant's land is not the subject matter of the acquisition proceedings. When such being the case, the question of issuing any corrigendum will not arise at all. Without understanding the order passed by this Court in W.P. No.13808/2005, appellant filed Writ Petition No.18854/2007. Even though such a writ petition is filed, the learned Single Judge having entertained a doubt with regard to the ownership of the vendor of the appellant, came to the conclusion that the statement made by the KIADB & Spl.Land Acquisition Officer is a misstatement of fact and granted liberty to the KIADB to move an application for review of the judgment in W.P.No.13808/2005. At the first instance, no where it is stated by the KIADB and Special Land Acquisition Officer



that the statement made by them in W.P.No.13808/2005 is a misstatement of facts. When such being the case, the question of granting liberty to KIADB to move an application for review of the judgment in W.P.No.13808/2005 does not arise at all. In addition to that, though this order is passed by the learned Single Judge about two years two months back, till today, KIADB has not moved any application for reviewing the order of the learned Single Judge. In other words, the order of the learned Single Judge in Writ Petition No.13808/2005 has become final and in view of the same, we are of the view that there was no necessity for the appellant to file a writ petition again seeking for any clarification or for issuing any corrigendum when it is () the case of the KIADB that the property of the appellant is not the subject matter of acquisition proceedings.*

In view of the aforesaid observations, this Writ Appeal is disposed of.”

19. Subsequently, in the said W.A.No.3106/2010, the respondent No.1 herein (appellant in the said appeal) filed an application – I.A.1/2012 seeking correction of certain typographical errors in that the extent of land was wrongly typed as 32 guntas instead of 12 guntas and the word ‘not’ found at 3rd line from the bottom of page 7 of the order was wrongly inserted / typed. The said application filed by the respondent No.1 herein was allowed by



the Hon'ble Division Bench in W.A.No.3106/2010 on 22.02.2013 as hereunder:

"ORDERS ON I.A.NO.1 OF 2012

The appeal was disposed of on 27.08.2012. On account of typographical error, the extent of land in second line of paragraph No.2 has been wrongly typed as 32 guntas instead of 12 guntas and similarly in page No.7, 3rd line from the bottom, the word 'not' has been wrongly typed which gives a negative meaning. Therefore, the application is filed.

2. Having heard the Counsel for the parties, as we notice that in paragraph No.2 though the appellant has purchased 12 guntas of land in survey No.46/03 of Devarabisanahalli village, it is wrongly typed as 32 guntas. Accordingly, it shall be read as 12 guntas. Similarly, in 3rd line from the bottom at page No.7, the word 'not' shall be deleted and the said line shall be read as :-

"when it is the case of the KIADB that the property of the appellant is not the subject matter of acquisition proceedings".

Accordingly, I.A.No.1 of 2012 is allowed."

20. In this context, it is relevant to state that though the said order was passed on 22.02.2013, just prior to the present petition being filed by the petitioner on 25.03.2013, the petitioner herein did not oppose the said application and deletion of the word 'not' without any objection by the petitioner herein is also yet



another circumstance, which establishes the fact that the Hon'ble Division Bench has clarified that it was the case of the KIADB that the property of the appellant was not the subject matter of acquisition proceedings and the said correction carried out by the Hon'ble Division Bench of this Court was also not challenged or assailed by the petitioner herein, who had accepted the same including the findings recorded by the Hon'ble Division Bench in W.A.No.3106/2010, to which the petitioner herein was a party wherein it was reiterated both in the final order dated 27.08.2012 and the correction carried out on 22.02.2013 to the effect that the property of the respondent No.1 herein was not the subject matter of acquisition proceedings and as such, the various contentions urged by the petitioner herein cannot be accepted.

21. It is also a matter of record and undisputed fact that the petitioner herein is a party (respondent No.4) to W.A.No.3106/2010 and the said order having attained finality and become conclusive and binding upon the petitioner, the petitioner is clearly not entitled to file the present petition seeking recalling of an order passed in W.P.No.13808/2005 dated 23.08.2005, which had been confirmed, reiterated and reaffirmed by the Hon'ble Division



Bench in W.P.No.3106/2010 to which the petitioner herein was a party and the same was binding upon the petitioner; in other words, having regard to the undisputed fact as borne out from the material on record that the order impugned in the present petition i.e., order dated 23.08.2005 passed in W.P.No.13808/2005 had been confirmed, reiterated and reaffirmed by the Hon'ble Division Bench in W.A.No.3106/2010 to which the petitioner was a party and had not challenged the same, the petitioner was clearly estopped from attempting to overreach, circumvent or nullify the said order by way of the present petition; so also, nor petitioner herein would not be entitled to seek any reliefs in the present petition including setting aside of the order dated 23.08.2005 passed in W.P.No.13808/2005, which would result in and have the effect of nullifying the order of the Hon'ble Division Bench, to which the petitioner was a party and the same was binding upon him; further, the said W.P.No.13808/2005 having been ultimately dismissed by this Court vide final order dated 23.08.2005, it cannot be said that the petitioner has any *locus standi* or any cause of action to prefer the present petition.



22. In this regard, it is relevant to extract the statement of objections filed by the petitioner herein in the earlier W.P.No.18854/2007 filed by the respondent No.1 herein, which was allowed by the learned Single Judge but set aside by the Hon'ble Division Bench in W.A.No.3106/2010 supra; in its statement of objections in W.P.No.18854/2007 in which the petitioner herein was arrayed as respondent No.4, it was stated as under:

"30. In re-paragraph 12, 13 & 14: Filing of Writ Petition in WP No.13808/2005 is a matter of record. Passing interim order by this Hon'ble Court is also a matter of record. Inferences sought to be drawn on the basis of this record is denied as false. The answering respondent had by the time the writ petition was filed on 18.04.2005 a subsisting interest in the land having taken possession as early as on 15.06.2004. Hence, the answering respondent ought to have been impleaded. The petition was therefore bad for non joinder of necessary parties. Hence, this respondent is not bound by the concessions and admissions made by the respondent No.3.

31. In re para 15 & 16: Statement of Objections at Annexure-Q filed by respondents 2 and 3 is a matter of record. However, the concession and admissions made by the 3rd respondent is not binding on the answering respondent. The concessions and admissions made are not borne out by records and hence, this respondent cannot be



saddled with the adverse effect of those concessions. With great respect it is submitted that what is material is the land that is acquired and not the name of the person from whom it is acquired. The same Officer who was the incumbent of the office of the 3rd respondent has written the letter at ANNEXRUE-W. Hence, no importance can be attached to it."

23. As can be seen from the specific stance / stand of the petitioner in its statement of objections in W.P.No.18854/2007, it is specifically stated that the statement, concession, admission, etc., made by the KIADB in W.P.No.13808/2005 was not binding upon the petitioner herein and that the petitioner herein cannot be saddled with the adverse effect of those concessions (of KIADB); having put-forth these specific contentions in its statement of objections in W.P.No.18854/2007, which culminated in the order dated 27.08.2012 passed in W.A.No.3106/2010 by the Hon'ble Division Bench, petitioner is clearly precluded and estopped from preferring the present petition challenging the order dated 23.08.2005 passed in W.P.No.13808/2005 and consequently, the various contentions urged by the petitioner cannot be accepted and the present petition is liable to be dismissed on this score also.



24. A perusal of the facts and grounds urged in the present petition in the light of the earlier round of litigation referred to supra will clearly indicate that the petitioner having not challenged the order passed by the Hon'ble Division Bench in W.A.No.3106/2010, the petitioner cannot be said to be an 'aggrieved person' for the purpose of challenging the order dated 23.08.2005 passed in W.P.No.13808/2005 and I am of the considered opinion that the petitioner does not have *locus standi* to prefer or prosecute the present petition; in addition thereto, there are not valid or sufficient pleadings put-forth by the petitioner in the present petition so as to constitute *locus standi* or give rise to a cause of action for the petitioner to file the present petition; interestingly, petitioner has stated in the present petition as hereunder:

"41. The Hon'ble Division Bench, by its order, dated 27/08/2012 disposed of the writ appeal holding that as the order dated 23/08/2005 in WP 13808/2005 has attained finality there was no need for the 1st Respondent to file the writ petition WP 18854/2007. A copy of the Order, dated 27/08/2012 in WA 3106/2010 is herewith produced and marked as Annexure-AN. Subsequently, by order, dated 22/02/2013 the above order is corrected.

42. Taking undue advantage of the order dated 23/08/2005 which was clarified on 27/08/2012 and on



22/03/2013 that the land is not acquired the 1st respondent has illegally high handedly barged into the property of the Petitioner and demolished a portion of the compound standing on 0-08 guntas of land in Sy.No.46/03 of Devarabeesanahalli on 24/03/2013 by bringing 25 to 30 henchmen with earth removing vehicle bearing KA 51 MA 3268. The police complaint dated 24/03/2013 given to the 5th Respondent in this regard is herewith produced and marked as Annexure-AP. The photograph showing the demolition is herewith produced and marked as Annexure-AQ. The 5th Respondent Police have not taken any action. The threat of illegal dispossession has forced the Petitioner to approach this Hon'ble Court. The Petitioner has implemented the project and spent 50 crores on the same. The high handed act would render the ingress and egress to the property almost impossible. The sketch showing the present position of the lands is herewith produced and marked as Annexure-AR.

43. The conduct of the 1st respondent in demolishing the property on the strength of the order at Annexure-A has given rise for challenging the order at Annexure-A as the said order is passed without notice to the Petitioner and the said order is affecting the Petitioner prejudicially. Hence, this petition.

44. Aggrieved by the Order, dated 23/08/2005 in WP 13808/2005 passed by a learned Single Judge of this Hon'ble Court and the high handed action of the respondent No.1 because of the inaction on the part of the respondents 2 to 4 rendering the 5th respondent a mute spectator, the



Petitioner has no other adequate, alternative and efficacious remedy than to approach this Hon'ble Court under Article 226 of the Constitution of India. The Petitioner submits that it has not filed any other writ petition on the same cause of action. This Writ Petition is presented on the following among other."

25. A perusal of the pleading of the petitioner in the present petition supra will clearly indicate that the various findings recorded by the Hon'ble Division Bench in W.A.No.3106/2010 have not been brought to the notice of this Court except producing the said order dated 27.08.2012 and by summarily stating that the Hon'ble Division Bench held that the order dated 23.08.2005 passed in W.P.No.13808/2005 had attained finality and there was no need for the respondent No.1 herein to file the subsequent W.P.No.18854/2007, out of which the aforesaid W.A.No.3106/2010 arose before the Hon'ble Division Bench; further though the petitioner refers to the subsequent order dated 22.02.2013 passed by the Hon'ble Division Bench, the details of the said order are neither forthcoming nor is the said order produced by the petitioner herein thereby indicating that the petitioner was guilty of suppression of material facts as can be seen from the said order dated 22.02.2013 wherein it is reiterated that according to the



KIADB, the property of the respondent No.1 herein was not the subject matter of acquisition proceedings and consequently, the various contentions urged by the petitioner cannot be accepted.

26. It is also relevant to state that the averments made by the petitioner at paragraphs 41, 42, 43 and 44 of the present petition is sufficient to come to the conclusion that the same clearly do not constitute any cause of action for filing the present petition in as much as alleged illegal interference or demolition by respondent No.1 or police complaint, etc., against the respondent No.1 herein or its threat of dispossession cannot be construed or treated as a cause of action to file the present petition involving disputed questions of fact in relation to which the petitioner necessarily would have had to approach the competent Civil Court and not by way of the present petition, which is liable to be dismissed on this ground also.

27. A perusal of the Communication at Annexure – S dated 06.10.2004 addressed by the KIADB will indicate that at the earliest point in time, the KIADB intimated the Special Deputy Commissioner that in view of the subsequent Final Notification



dated 07.05.2024 issued by the KIADB, which does not contain land bearing Sy.No.46/3 claimed by respondent No.1 herein, the said land was not the subject matter of the acquisition proceedings thereby indicating that it has been the consistent stand of the KIADB even prior to W.P.No.13808/2005 being preferred by the respondent No.1 herein that land bearing Sy.No.46/3 measuring 12 guntas claimed by respondent No.1 herein was not acquired by the KIADB. In addition thereto vide Annexure – R11 dated 26.10.2005 produced by respondent No.1 herein along with its statement of objections, the KIADB has clarified that land bearing Sy.No.46/3 measuring 8 guntas which was the subject matter of the Final Notification dated 24.03.2004 belonged to Krishna Reddy and not Ramaiah Reddy, the predecessor-in-title of respondent No.1 herein in respect of 12 guntas of land in Sy.No.46/3 which was sought to be withdrawn from the acquisition proceedings; so also, there were proceedings in Case No.LAQ/12198/06-07 between the petitioner herein and respondent No.1 herein before the SLAO, KIADB, who passed an order dated 19.12.2006 holding that 12 guntas of land in Sy.No.46/3 purchased by respondent No.1 herein from Ramaiah Reddy had not been acquired by the KIADB and directed issuance



of Final Notification only to an extent of 8 guntas which were acquired and standing in the name of Krishna Reddy; the cumulative effect of these facts, circumstances and documents clearly confirm the stand / stance of the KIADB that land bearing Sy.No.46/3 measuring 12 guntas claimed by respondent No.1 herein had not been acquired by the KIADB and consequently, the various contentions, grounds and claims urged by the petitioner in the present petition cannot be accepted on this ground also.

28. Insofar as the contentions urged by the learned Senior Counsel for the petitioner that the KIADB having allotted 14 acres including 8 guntas of land acquired by the KIADB in favour of the petitioner, the KIADB would have to be held responsible, is concerned, apart from the fact that the said contention is beyond the scope of adjudication in the present petition, any dispute between the parties as regards identity, location, etc., of the property claimed by the petitioner would necessarily have to be decided by the competent Civil Court and not by way of the present petition, which involves complex, complicated and disputed questions of fact incapable of being adjudicated upon in the present petition. Under these circumstances, having regard to the



facts and circumstances narrated above, the question of interfering with the earlier order passed by this Court in W.P.No.13808/2005 would not arise and the said contention cannot be accepted.

29. Accordingly, I do not find any merit in the petition and the same is hereby ***dismissed***.

30. Liberty is however reserved in favour of the petitioner to take recourse to such remedies as available in law including approaching the competent Civil Court to ventilate its grievances with respect to the land alleged to be allotted in its favour, in accordance with law and subject to all just exceptions.

31. It is further directed that in the event petitioner initiates any such proceedings, respondents are at liberty to contest all such proceedings and urge all defences available to them in law including the defence of limitation, which shall be considered by the appropriate Court / forum, in accordance with law.

**Sd/-
(S.R.KRISHNA KUMAR)
JUDGE**