

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 26TH DAY OF MARCH, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MS. JUSTICE TARA VITASTA GANJU

REVIEW PETITION NO. 24 OF 2026

C/W

WRIT PETITION NO. 38780 OF 2025 (LA-BDA)

IN RP No. 24/2026

BETWEEN:

1. SRI PREM SINGH
S/O. LATE RAJA LAKSHMAN SINGH,
AGED ABOUT 76 YEARS,
2. SMT. BEEJAKSHARI VARMAN,
D/O. SRI. PREM SINGH,
AGED ABOUT 48 YEARS,
3. SRI. SAHIL VARMAN,
S/O. PREM SINGH,
AGED ABOUT 38 YEARS,

ALL ARE RESIDING AT NO. 3-B,
FARAH FORT MANOR, NO.20,
1ST MAIN, JAYAMAHAL EXTENSION,
BANGALORE-560046.

...PETITIONERS

(BY SRI. UDAYA HOLLA, SENIOR COUNSEL ALONG WITH
SRI. DHARMA VEER SINGH B., ADVOCATE)

AND:

1. THE COMMISSIONER
BANGALORE DEVELOPMENT AUTHORITY,



CHOWDAIAH ROAD,
KUMARA PARK WEST,
BANGALORE-560 020.

2. THE HON'BLE JUSTICE K N KESHAVA
NARAYANA COMMITTEE,
HEADED BY ITS CHAIRMAN,
JUSTICE.K.N.KESHAVANARAYANA,
CONSTITUTED BY THE HON'BLE
HIGH COURT OF KARNATAKA,
IN RESPECT OF ARKAVATHI LAYOUT,
HAVING ITS OFFICE AT
KRISHI BHAVAN 4TH FLOOR,
HUDSON CIRCLE
BANGALORE-560002.

REPRESENTED BY ITS
SECRETARY,
DR.K.H.NARASIMHA MURTHY,

3. THE SPECIAL LAND ACQUISITION OFFICER,
BANGALORE DEVELOPMENT AUTHORITY,
CHOWDAIAH ROAD, KUMARA PARK WEST,
BANGALORE 560 020.
4. EXECUTIVE ENGINEER.
BANGALORE DEVELOPMENT AUTHORITY,
CHOWDAIAH ROAD, KUMARA PARK WEST,
BANGALORE 560 020.
5. THE STATE OF KARNATAKA,
REPRESENTED BY ITS SECRETARY,
URBAN DEVELOPMENT DEPARTMENT,
SECRETARIAT, ROOM NO.435,
4TH FLOOR, VIKASA SOUDHA,
BANGALORE-560001.

...RESPONDENTS

THIS REVIEW PETITION IS FILED UNDER ORDER 47
RULE 1 R/W SEC. 114 OF CPC, PRAYING TO REVIEW THE
JUDGMENT DATED 12.12.2025 PASSED IN WP NO.16139/2024
(LA-BDA) ON THE FILE OF THIS HONBLE COURT, IN THE
INTEREST OF JUSTICE.

IN WP NO. 38780/2025

BETWEEN:

1. M/S HGCL INFRA LLP
(A COMPANY INCORPORATED UNDER
THE COMPANIES ACT, 1956),
HAVING ITS OFFICE AT
P.NO.246 AND 255, F NO.501,
5TH FLOOR, FORTUNE RESIDENCY,
KAVURI HILLS, SHAIKPET
TELAGANA STATE-500081

REPRESENTING BY ITS
DESIGNATED PARTNER
SRI.PADIDAM VEERA SWAMY
S/O LATE MALAKONDAIAH
2. M/S UDWAT PROJECTS PRIVATE LIMITED
(A COMPANY INCORPORATED
UNDER THE COMPANIES ACT, 1956),
HAVING ITS OFFICE AT
P.NO.246 AND 255, F NO.501,
5TH FLOOR, FORTUNE RESIDENCY,
KAVURI HILLS,
SHAIKPET TELAGANA STATE-500081

REPRESENTING BY ITS DIRECTOR
SRI.PADIDAM VEERA SWAMY,
S/O LATE MALAKONDAIAH
3. SRI.PADIDAM VEERA SWAMY,
S/O LATE MALAKONDAIAH,
AGED ABOUT 44 YEARS,
P.NO.246 AND 255, F NO.501,
5TH FLOOR, FORTUNE RESIDENCY,
KAVURI HILLS,
SHAIKPET TALAGANA STATE-500081
4. SRI.M.RAJENDRA,
S/O LATE.P.MUNIVENKATAPPA,
AGED ABOUT 55 YEARS,
RESIDING AT NO.3, 1ST MAIN,
9TH CROSS, MICO LAYOUT,

BTM LAYOUT 2ND STAGE,
BENGALURU-560076

...PETITIONERS

(BY SRI. D.R.RAVISHANKAR, SENIOR COUNSEL, ALONG WITH
SRI. PHANIRAJ KASHYAP, ADVOCATE)

AND:

1. THE COMMISSIONER
BANGALORE DEVELOPMENT AUTHORITY,
CHOWDAIAH ROAD,
KUMARA PARK WEST,
BENGALURU-560 020.
2. THE HON'BLE JUSTICE K N KESHAHA NARAYANA
COMMITTEE,
HEADED BY ITS CHAIRMAN,
JUSTICE.K.N.KESHAVANARAYANA,
CONSTITUTED BY THE HON'BLE
HIGH COURT OF KARNATAKA,
IN RESPECT OF ARKAVATHI LAYOUT,
HAVING ITS OFFICE AT
KRISHI BHAVAN
4TH FLOOR,
HUDSON CIRCLE,
BANGALORE-560002.

REPRESENTED BY ITS SECRETARY,

3. THE SPECIAL LAND ACQUISITION OFFICER
BANGALORE DEVELOPMENT AUTHORITY,
CHOWDAIAH ROAD,
KUMARA PARK WEST,
BANGALORE 560 020.
4. BANGALORE DEVELOPMENT AUTHORITY,
CHOWDAIAH ROAD,
KUMARA PARK WEST,
BANGALORE - 560 020.

REPRESENTED BY
EXECUTIVE ENGINEER.

5. THE STATE OF KARNATAKA,
REPRESENTED BY ITS
SECRETARY,
URBAN DEVELOPMENT DEPARTMENT,
SECRETARIAT,
ROOM NO.435,
4TH FLOOR,
VIKASA SOUDHA,
BANGALORE-560001
6. SRI.PREM SINGH,
S/O LATE RAJA LAKSHMAN SINGH,
AGED ABOUT 74 YEARS,
7. SMT. BEEJAKSHARI VARMAN,
D/O. SRI. PREM SINGH,
AGED ABOUT 48 YEARS,
8. SRI.SAHIL VARMAN,
S/O PREM SINGH,
AGED ABOUT 38 YEARS,

R6 TO R8 ARE RESIDING AT NO.3-B,
FARAH FORT MANOR, NO.20,
1ST MAIN, JAYAMAHAL EXTENSION,
BANGALORE-560046.

...RESPONDENTS

(BY SRI. ASHOK HARANAHALLI, SENIOR COUNSEL
ALONG WITH SRI KARTHIKEYAN B S., ADVOCATE FOR R1, R3
AND R4;
SRI. MOHAMMED JAFFER SHAH, AGA FOR R2 AND R5)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND
227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE
WRIT OF CERTIORARI, ANY OTHER APPROPRIATE WRIT, OR
ORDER OR DIRECTION QUASHING IMPUGNED ORDER
(ANNEXURE-G) DATED 20/05/2024, IN PROCEEDINGS
BEARING KNKC NO.169/2022, 170/2022, 171/2022, 172/2022
AND 176/2022, ISSUED BY THE 2ND RESPONDENT, AND
GRANT SUCH RELIEFS, ETC.

THESE PETITIONS HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 21.02.2026, COMING ON FOR PRONOUNCEMENT THIS DAY, **HON'BLE MR. JUSTICE D K SINGH.**, PRONOUNCED THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE D K SINGH
and
HON'BLE MS. JUSTICE TARA VITASTA GANJU

CAV ORDER

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

The present review petition has been filed by the petitioners in W.P.No.16139/2024 seeking review of the judgment and order dated 12.12.2025 passed by this Court in the aforesaid writ petition.

BACKGROUND:-

2. The petitioners claim to be the owners of the lands bearing Sy. Nos.17/1, 18, 19, 20 and 26 of Hennur Village, Kasba Hobli, Bengaluru in all, measuring 26 acres, 12 guntas, described as '**the scheduled property**' in the writ petitions along with its boundaries. The said lands in the aforesaid Survey Numbers was the subject matter of land acquisition proceedings before the Bangalore Development Authority (hereinafter referred to as 'the BDA') for the purpose of formation of 'Arkavathi Layout' for which a Preliminary Notification dated

03.02.2003 was issued and the Final Notification dated 23.02.2004 came to be issued.

3. The petitioners had filed the writ petition praying following the reliefs:

*"a. To issue writ of certiorari, any other appropriate writ, or order or direction quashing impugned order **(Annexure-F)** dated 20-05-2024, in proceedings bearing KNKC No.169/2022, 170/2022, 171/2022, 172/2022 and 176/2022, issued by the 2nd respondent, and grant such reliefs this Hon'ble Court may be deem fit in the facts and circumstances of this case.*

b. Declare that the schedule property has been dropped from acquisition in the light of the judgment passed by this Hon'ble Court in W.A.2757/2005 and the Hon'ble Supreme Court in the case of Bondu Ramaswamy and others vs Bangalore development authority and others (2010 (7) SCC 129). And as per final Notification Dated:18/06/2014, Bearing No:UDD426 MSJ/2011.

c. Grant Such Other And Further Reliefs."

4. The Government had issued Preliminary Notification dated 03.02.2003 under sub-Sections (1) and (3) of Section 17 of the Bangalore Development Act, 1976 (for short, 'the BDA Act') proposed to acquire 3339

acres 12 guntas of land situated in various villages coming under Yelahanka, K.R. Puram and Kasba Hobli in Bangalore North and East Taluks situated in Bangalore District for the purpose of formation of 'Arkavathi layout', a development scheme by the BDA. Subsequently, a modified Preliminary Notification came to be issued on 16.09.2003 showing the extent of land proposed to be acquired as 3839 acres 12 guntas situated in Dasarahali, Byrathikane, Challakere, Geddalhalli, K Narayanapura, Rachenahalli, Thanisandra, Amruthhalli, Jakkur, Kempapura, Sampigehalli, Srirampura, Venkateshpura, Hennur, Hebbala and Nagavara. Thereafter, individual notices were issued as required under Section 17(5) of the Act to the landowners, pursuant to which several owners of land, which were sought to be acquired, filed objections/representations.

5. After considering the objections/representation received, BDA in its meeting dated 03.02.2004 resolved to delete 1089 acres 12 guntas of land and to obtain sanction from the Government for acquisition of 2750 acres of land. Accordingly, the BDA submitted scheme to the Government for sanction. The

State Government issued Final Notification dated 23.02.2004 under Section 19(1) of the BDA Act for acquisition of 2750 acres of land situated in 16 villages for formation of Arkavathi layout. But several landowners and owners of the sites questioned the acquisition by filing writ petitions in W.P.Nos. 51119-51132/2004 and connected petitions.

6. The learned Single Judge vide judgment dated 15.04.2005 allowed the writ petitions and quashed the acquisition proceedings. The order passed by the learned Single Judge was challenged by the BDA in W.A.No. 2625/2005 and connected matters before the Division Bench of this Court. The Division Bench vide judgment dated 25.11.2005 passed in the matter of ***The Commissioner, BDA and Others Vs. State of Karnataka*** allowed the writ appeals filed by the BDA and the State and set aside the order dated 15.04.2005 passed by the learned Single Judge and dismissed the challenge laid to the land acquisition proceedings, subject to the conditions stipulated therein. However, accepting the contentions of the writ petitioners about acts of discrimination and arbitrariness on the part of the BDA in

not deleting their lands while deleting neighbouring/adjacent lands which are similarly placed as that of their lands, Division Bench permitted such of the petitioners who had taken plea of discrimination to submit representation to BDA within the time stipulated therein, seeking deletion of their lands if their lands fall under any of the six (6) parameters carved out thereunder and/or if their lands are similar to the lands which have either not been notified or proposed for acquisition but dropped from acquisition. In respect of owners of the revenue sites, the Division Bench formulated a scheme and BDA was directed to consider them afresh. Pursuant to the liberty given under the judgment of the Division Bench, several owners of lands submitted representations/applications to the BDA seeking deletion of their lands from the acquisition proceedings setting out the grounds on which they were entitled for the said relief.

7. Even before publication of the final notification dated 23.02.2004, the BDA, through its notification dated 21.02.2004 had invited applications from the eligible general public for allotment of about

20,000 sites proposed to be formed in Arkavathi Layout, pursuant to which several thousand of applications came to be filed. Though pursuant to the judgment of the Division Bench, several landowners had submitted representations seeking deletion of their land from acquisition process, even before taking up all those representations for consideration, the BDA proceeded to allot sites and sometime during the end of 2005 and early part of 2006, BDA allotted about 8000 sites. Upon such allotments of sites, the allottees paid BDA the value of the sites as fixed by BDA. In relation to some of these allotments, BDA also executed lease-cum-sale agreements in favour of the allottees.

8. After completing the process of allotment, BDA started undertaking the exercise of considering the representations of the landowners. Upon such considerations, request of some owners were allowed while some were rejected. Those owners, whose request for deletion came to be rejected, approached this Court by filing writ petitions which were allowed and BDA was directed to re-consider the representations afresh.

9. In the meantime, the Division Bench's judgment, was taken up before the Supreme Court in several appeals by the landowners and others. The Supreme Court by its judgment dated 05.05.2010 passed in ***Bondu Ramaswamy and others Vs. Bangalore Development Authority and others*** reported in **(2010) 7 SCC 129** upheld the judgment of the Division Bench directing the BDA to take certain corrective measures by requiring it to re-examine certain aspects and provide an option to the land losers to secure some additional benefits as an incentive to accept the acquisition. In addition to the directions issued by the Division Bench, the Supreme Court issued further directions and clarifications.

10. After the judgment of the Supreme Court in ***Bondu Ramaswamy*** (supra), several persons submitted applications/representations seeking deletion of their lands from acquisition. Pursuant to the direction issued in the aforesaid judgments i.e. by the Division Bench and the Supreme Court in ***Bondu Ramaswamy*** (supra), BDA undertook the exercise of examining the applications/representations so received and in that

process decided to delete lands to an extent of 702 acres from acquisition. Some of the owners of the land had approached the Government seeking de-notification of their lands and on consideration of such applications, the Government through its various orders directed to de-notify the lands to an extent of 198 acres. In relation to about 83 acres of land, acquisition had been quashed by orders of the Court. In the light of the above, finally BDA resolved to delete lands in all measuring 983 acres 33 guntas and restricted the acquisition to 1766 acres and 7 guntas. Accordingly, BDA submitted modified scheme to the Government for an extent of 1766 acres and 7 guntas by deleting 983 acres and 33 guntas from out of total extent of 2750 acres covered under final notification dated 23.02.2004. Based on the said report of the BDA, the Government by approving the modified scheme, issued notification dated 18.06.2014 regarding modified scheme for acquisition of land to an extent of 1766 acres 7 guntas. Lands so de-notified and deleted from acquisition included certain lands in which BDA has already allotted sites and had executed lease-cum-sale agreements.

11. The aforesaid notification dated 18.06.2014 came to be challenged by various persons in W.P.No.51929/2014 and connected petitions. The challenge was also laid to the Preliminary Notification dated 03.02.2003 and Final Notification dated 23.02.2004. After hearing the rival contentions, the said batch of writ petitions were disposed of by common order dated 27.09.2021 rejecting the challenge made to the Preliminary Notification dated 03.02.2003 and Final Notification dated 23.03.2004 and Notification dated 18.06.2014 and upholding the acquisition of the lands for formation of Arkavathi layout. This Court was also of the view that several aspects noted therein would have to be dealt with by examining the claims afresh and for ensuring that there was clear and absolute transparency in the said process. The High Court constituted a Committee under the chairmanship of the retired Judge Hon'ble K. N. Keshavanarayana. This Court issued several mandates to the Committee as indicated in the operative portion of the judgment. Fresh opportunity was also to be provided to those persons who had not submitted application/representation pursuant to the judgment of

the Division Bench to submit application/ representation within timeline specified there-under. The BDA was directed to publish the operative portion of the order in newspapers for the benefit of the public at large.

12. The Committee was given *inter-alia* the following mandates by this Court with regard to the lands which came to be subsequently deleted/de-notified.

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

(xx) (e) *The Committee shall examine as to whether deletion of land/s from acquisition made by the BDA is within the parameters fixed by the Division Bench and **Bondu Ramaswamy's** case by examining every such deletion made on case to case Basis and particularly with reference to deletion made on the ground of adjacent lands having been deleted.*

(h) *The Committee shall examine as to whether deletion of 983.12 acres of land by the Government subsequent to the Notification dated*

*23.02.2004 and before issuance of Notification dated 18.06.2014 was in accordance with directions/clarifications issued by Hon'ble Apex Court in **Bondu Ramaswamy's** case and submit a report to BDA, who shall take steps based on said report.*

(1) The Committee would be at liberty to examine as to whether BDA has undertaken any exercise to delete lands suo motu and if it is found, the exercise so undertaken by BDA would stand quashed if it is not in conformity with the order passed by the Division Bench as affirmed and clarified by the Apex Court, to which effect the Committee shall submit a report to BDA and on such report being submitted, the deleted lands would stand restored to BDA for the purposes of formation of sites in Arkavathi Layout to be allotted to the applicants in waiting."

13. In the light of the above noted direction, all deletions or de-notifications recommended by the BDA or made by the BDA or by the Government are subject to the certification or approval by the Committee, while claims of the allottees from BDA of sites carved out in the land in question were taken up for consideration, the question as to whether or not deletion of lands was in accordance with the law laid down by the Division Bench

and directions/clarifications issued by the Supreme Court in **Bondu Ramaswamy** (supra), is required to be considered and for that purpose opportunity of being heard should be afforded to the persons whose lands were deleted/de-notified.

FACTS OF THE PRESENT CASE:-

14. In respect of the land in question i.e., lands bearing Sy. Nos.17/1, 18, 19, 20 and 26 in all, measuring 26 acres, 12 guntas all situated in Hennur Village, Kasba Hobli, Bengaluru which were proposed for acquisition under the Preliminary Notification dated 03.02.2003 and notified under the final notification dated 23.02.2004, several sites measuring 12 mts x 18 mts and 15 mts x 24 mts had been allotted in the year 2005-2006 by the BDA. However, in the modified Final notification dated 18.06.2014, the entire notified extent of land in Sy Nos. 17/1, 18, 19, 20 and 26 of Hennur Village came to be deleted from acquisition. As a result of deletion of the above lands from acquisition, the allotment of sites in these deleted lands got disturbed. Therefore, one applicant, P. V. Chandran filed W.P.No.5228/2015 seeking to quash the alleged de-notification process

relating to Sy No.17/1 and for other reliefs. Similarly, K. Munishamappa filed W.P.No. 56035/2017 seeking a direction to BDA to allot alternate site. Both these petitions were disposed of under the common order dated 27.09.2021, where-under the K.N. Keshavanarayana Committee was constituted. Thereafter, some other allottees submitted representations before the Committee seeking confirmation of the allotment of sites in the above lands and directions to the BDA to execute absolute sale deeds in respect of allotted sites or in the alternative to direct BDA to allot them alternate sites. The Committee registered the claims of the allottees under KNKC No. 169, 170, 171, 172 and 176 of 2022.

15. It would be apt to take note of paragraph 82.3 and 82.4 of the common order dated 27.09.2021 passed by this Court, while considering the case of allottees of sites by BDA, whose sites as on date of allotment were stated to be carved out in the notified lands, but subsequently those lands came to be deleted or de-notified. After referring to the facts put forth by the petitioner in W.P.No.5228/2015, in paragraph 82.3 and

82.4, this Court observed at paragraph 83.2 which would read as under:

"83.2. However, the fact remains that pursuant to Final Notification dated 21-02-2004 whereunder, an extent of 2750 acres of land was sought to be acquired for the purpose of formation of Layout, land in question has been acquired and sites have also been stated to be formed, pursuant to which, allotments were made, Lease-cum-Sale Agreements were executed, khata was mutated in the names of allottees and tax has been collected from allottees. Further, plan submitted by allottees for construction of buildings has also been approved and license granted to put up construction. However, under the guise of undertaking re-do exercise pursuant to BONDU RAMASWAMY's case, an extent of 983.12 acres have been deleted either by way of de-notifying the lands or on account of some of land owners having approached this court for quashing of the proceedings and having obtained orders in their favour or said lands being deleted from acquisition proceedings for the reasons indicated in the orders passed de-notifying certain land. But, fact remains that 983.12 acres have been deleted from acquisition out of 2750 acres, which was the subject matter of Final Notification dated 21-02-2004. In the photographs which have been produced at Annexure-F by the petitioner has been perused by this Court, which would clearly indicate that except building of the petitioner,

surrounding lands which can be seen seems to be more than several acres which are lying fallow and vacant and yet same has been de-notified. The circumstances in which lands haven been de-notified cannot be beyond the parameters fixed by the Division Bench as well as by Hon'ble Apex Court in BONDU RAMASWAMY's case. However, on perusal of records made available by the BDA and various reports, it would disclose that in several cases where Special Land Acquisition Officer has undertaken the exercise of visiting the spot along with the Revenue Inspectors has recommended for de-notifying the lands and BDA on the ground that there is inconsistence between the said report as well as report of the Assistant Commissioner, has not accepted the reports of the Special Land Acquisition Officer and thereby has not deleted or de-notified certain lands. However, intriguing circumstances this case would unfold is the fact that large tract of lands though vacant, not developed and not falling within the parameters fixed by the Division Bench and the Hon'ble Apex Court has also been deleted or de-notified. It is in this background, exercise so undertaken by the BDA requires to be scrutinized at micro level."

FINDINGS OF K.N.KESHAVANARAYANA COMMITTEE:-

16. The Committee during the hearing on 12.09.2023 perused the original land acquisition files relating to the lands in question, which were made

available by the BDA, noted that all the lands in question were ordered to be deleted on the basis of the representations submitted by Smt. Divya Devi, Ms. Beejakshari Varman and Sri Sahil Varman. Therefore, the show cause notices were issued to the above noted persons on whose request the lands in question were deleted from the acquisition process, for their appearance before the Committee and to show cause as to why the order/decision to delete the lands in question from acquisition should not be reviewed. Smt. Divya Devi had died on 11.05.2023 leaving behind her husband and two children, who were represented by their advocate and who submitted written arguments as well.

17. The Committee framed the following point for consideration:

*Whether, the deletion of lands in question from the acquisition process was in accordance with the judgment of Division Bench and that of the Hon'ble Supreme Court in **Bondu Ramaswamy's** case?*

18. At the time of Preliminary Notification as well as the Final Notification, Khata in respect of the land in

question jointly stood in the name of Smt. Divya Devi, w/o late Prem Singh and her two children, viz., Ms.Beejakshari Varman and Sri Sahil Varman. Though large number of the writ petitions were filed before the High Court challenging the acquisition of the lands for formation of Arkavathy Layout, however, the notified khatedars of the lands in question did not challenge the acquisition of the lands in question. However, M/s. Tata Housing Development Corporation Limited (THDCL) represented by its Assistant Manager, filed petitions in W.P.Nos.25807/2004 and W.P.Nos.28381-385/2004 seeking a writ of certiorari quashing the Final Notification dated 23.02.2004, insofar as it relates to the acquisition of lands in question and for declaration that the acquisition of the lands in question under the Final Notification dated 23.02.2004 was in violation of the Government Order No.HUD/341/MNX/95 dated 01.06.1995.

19. In the said writ petitions Smt. Divya Devi, Ms. Beejakshari Varman and Sri Sahil Varman were arrayed as respondent Nos.3 to 5. In the aforesaid writ petitions, THDCL stated that it had entered into an agreement

dated 06.01.1998 with the respondent Nos.3 to 5 under which it had acquired right to develop the lands in question and pursuant thereto the respondent Nos.3 to 5 had executed power of attorney dated 06.01.1998 in favour of the THDCL. Subsequently certain disputes arose between the THDCL and respondent Nos.3 to 5 in relation to the land in question. At the time of execution of the agreement in January 1998, the lands in question were subject to litigation and the title of Respondent Nos.3 to 5 was under challenge by the third party in the appeal pending for the High Court in RFA No.367/1992 and the THDCL was responsible to handle the litigation at its cost and develop the lands in question in the event of successful completion of litigation. The entire expenses of the litigation, development was to be borne by the THDCL and the respondent Nos.3 to 5 would be entitled to 15% of shares of the gross revenue from the schedule lands after development, the appeal in RFA No.367/1992 was dismissed vide judgment dated 27.11.1997 and the Supreme Court dismissed the Special Leave Petition vide order dated 24.01.2000.

20. So far as the title of the respondent Nos.3 to 5 in relation to the lands in question was concerned got established. The respondent Nos.3 to 5 through their letter dated 03.08.2000 repudiated the said agreement dated 06.01.1998 and also revoked the power of attorney granted by them in favour of THDCL which compelled the THDCL to initiate the arbitration proceedings against the respondent Nos.3 to 5. The said arbitration proceedings culminated in passing the award dated 12.04.2002 in favour of the THDCL, upholding the right of the THDCL to the lands in question and also upholding the power of autonomy granted by respondent Nos.3 to 5. The respondent Nos.3 to 5 challenged the said award before the City Civil Court Bangalore in A.S.No.30/2002 and the same was pending. There were also proceedings commenced under the provisions of the Karnataka Land Reforms Act at the instance of respondent Nos.3 to 5 and the same were also pending in appeal before the Karnataka Appellate Tribunal.

21. The contention of THDCL was that the acquisition of the land was against the Government Policy Decision dated 01.06.1995. The THDCL being the

constituted attorney for the respondent Nos.3 to 5 in relation to the land in question filed objections dated 19.03.2003 and 22.08.2003 with the BDA in response to the Preliminary Notification dated 03.02.2003 and prayed for deletion of the lands in question from the proposed acquisition. However, ignoring the said representation, the Final Notification dated 23.02.2004 came to be issued, confirming the proposed acquisition of the lands in question. The said writ petitions filed by the THDCL were heard and disposed of along with other batch of writ petitions filed challenging the acquisition proceedings.

22. The THDCL also filed appeal in W.A.No.2757/2005 along with the writ appeals filed by the BDA and the Government against the order passed by the learned Single Judge whereby the preliminary and final notifications were quashed. The THDCL appeal was limited to rejection of its contention based on a promissory estoppel. Smt.Divya Devi and her two children who had arrayed as respondent Nos. 3 to 5 in the writ petition, they were also arrayed as respondents in the writ appeals. All writ appeals filed against the order passed by the learned Single Judge were heard together

and the Division Bench disposed of them by a common judgment and order dated 25.11.2005. The appeal filed by THDCL was also partly allowed, wherein the Division Bench held that the principles of promissory estoppel could be enforced against the Government and BDA. However, in view of the pendency of the petition before the Civil Court filed by the owners of the land challenging the arbitral award in favour of the THDCL, and also pendency of appeal filed by THDCL before the Karnataka Revenue Appellate Tribunal, against the proceedings initiated under the provisions of the Karnataka Land Reforms Act, the Division Bench has declined to quash the acquisition of the lands in question after upholding the contention of application of promissory estoppel. Nevertheless, an opportunity was given to the THDCL to make an application to BDA and direction was given to the BDA to consider the same and pass an appropriate order. It was noticed by the Division Bench that the landowners had no objection for acquisition of the lands in question. The relevant observations made in this regard are contained in paragraph 95 of the Judgment

dated 25.11.2005 passed by the Division Bench which would read as under:

"95. However, in W.P. No.25807/2004 the material on record is not sufficient to grant the relief sought for. Firstly the petitioners are only agreement holders. Though there is an award in their favour, the same is under challenge. Secondly, the said agreement is held to be invalid under the provisions of the Karnataka Land Reforms Act and the said order is also under challenge in appeal. Thirdly, the land owners are contesting the claim of the petitioner, and in fact they have filed memo before this Court stating that they have no objection for the acquisition. Though not much credence can be given to the said memo, still the title of the petitioners is to be established. Under these circumstances the proper course would be to direct the petitioners to approach the BDA with an application setting out their claim and the BDA shall decide the said claim on its merits in the light of what we have said above. If the BDA were to uphold the claim of the petitioners, then the lands covered in this Writ Petition would stand excluded from acquisition. If the claim is negated, as the land owners have no objection for acquisition, the acquisition of the lands stand affirmed and the BDA would be at liberty to form the layout in the land as part of Arkavathi layout. Till such adjudication the BDA shall stay its hands."

23. In the light of the aforesaid observation, the Division Bench, in the operative portion of the order, directed as under:

"106 (1) xxx XXX XXX

(2) W.A. No.2757/2005 is partly allowed. In W.P.No.25807/2004 filed by Tata Housing Development Company in respect of land bearing Sy.Nos. 17/1, 18,19,20,26 and 94 situated at Hennur Village, Kasaba Hobli, Bangalore, in all measuring about 26 acres 12 guntas, the finding of the learned single Judge is set aside. Liberty is granted to the petitioners therein to make appropriate application before the BDA for deleting the said lands from acquisition in view of the policy decision of the Government dated 1.6.1995. On such representation the BDA shall consider the request and pass appropriate orders. In the event their contention is upheld the said extent of land shall stand excluded from acquisition. Otherwise acquisition in respect of the said lands stand and the BDA is at liberty to form the layout."

24. In view of the aforesaid, as it was clear that the landowners viz. Smt. Divya Devi, Ms. Beejakshari Varman and Sri Sahil Varman, did not, at any point of time, challenge the acquisition of the lands in question and on the other hand they had filed even memo before

the Division Bench stating that they had no objection for acquisition of the lands in question. The Division Bench had given an opportunity for making representation seeking deletion of lands in question from acquisition was only to the THDCL i.e. the writ petitioner in W.P.No.25807/2004. The Committee has also opined that the landowners in respect of the lands in question were not given any such opportunity to seek deletion of the lands from acquisition which was cleared from the operative portion of the order as extracted above. Pursuant to the opportunity afforded by the Division Bench in the aforesaid judgment, the THDCL has submitted a representation dated 05.05.2006 to the BDA seeking deletion of the lands in question from the acquisition by enclosing copies of documents in support of its claim. However, the said representation submitted by the THDCL came to be rejected as per the Resolution No.92/2006 dated 31.05.2006 and an endorsement dated 15.06.2006 to that effect was sent to the THDCL. It appears that the THDCL did not pursue further the matter and thus, the THDCL had given up its claim over the lands in question.

25. As noted by the Committee, the landowner Smt. Divya Devi and her children submitted a representation dated 05.10.2004 to the Land Acquisition Officer of BDA, requesting to pass an award in their names and to order payment of compensation to them in respect of the lands question. Through their advocate, they submitted further representation on 17.01.2005 requesting the Land Acquisition Officer to issue award copy in respect of the lands in question stating that they had handed over the possession of the lands as per representation dated 25.08.2004. From the aforesaid representations submitted by the landowners, the Committee opined that they had not sought for deletion of the lands in question from acquisition process, however, they went on seeking payment of compensation only. This was in line of the submission made by them before the Division Bench where they had filed a memo to the effect that they had no objection for acquisition of the lands in question.

26. Strangely on 13.09.2012, Smt. Divya Devi and her two children submitted a representation to the

Principal Secretary of the Government, Urban Development Department, Bangalore seeking deletion of the lands in question from acquisition process on the ground that the lands in question were covered by the guidelines issued by the Division Bench. On the basis of the said representation, the Urban Development Department, Government of Karnataka, sought report from the Commissioner, BDA through letter dated 05.10.2012. The BDA submitted a detailed report dated 14.02.2013 to the Government. Thereafter, Smt. Divya Devi and her children submitted another representation dated 16.06.2013 to the Principal Secretary of Urban Development Department seeking to drop the lands in question from acquisition process which was forwarded to the Commissioner, BDA, for report and information. There had been no order passed by the Government withdrawing the lands in question from acquisition in exercise of its powers under Section 48 (1) of the Land Acquisition Act. Thereafter, a meeting note was prepared by the BDA for consideration of the Board, which however, from the original LA file, it was not forthcoming as to whether the matter was placed before the Board.

The Committee noted that the original files did not indicate as to whether the request of the landowners for deletion of the lands from acquisition process was considered by the Board of the BDA. The file would indicate that the endorsements dated 28.10.2013 purported to have been signed by the Commissioner of the BDA, had been issued to the owners of the lands, stating the lands in question had been deleted from acquisition.

27. The Committee thus noted that though before the Division Bench the owners of the land in question through a memo filed had made a statement that they had no objection for acquisition of the land in question, but after lapse of more than 7 to 8 years they seem to have made a representation both to the Government as well as BDA seeking deletion of the lands in question from acquisition process, on the ground that their lands fall under the parameters carved out by the Division Bench. The Committee noted that the land acquisition proceedings were never challenged by the owners. The Division Bench gave liberty only to the THDCL to make an application to the BDA with a further direction to the BDA

to consider the same and pass appropriate orders. If the request of the THDCL was acceded to, the lands could be excluded from acquisition, otherwise the acquisition of the lands in question would stand and the BDA should proceed to form layout. No opportunity was reserved to the landowners to seek deletion of the lands from acquisition process on any of the parameters carved out by the Division Bench. The owners of the lands having voluntarily given up their rights to seek deletion of the lands in question from acquisition process, they would have no right to seek deletion of lands on the ground that the lands fall under any of the parameters carved out by the Division Bench. The conduct seeking compensation and also requesting for issue of award copies and payment of compensation would indicate that they never intended to seek deletion of the lands. Their request after 7 to 8 years after they filed memo before the Division Bench seeking deletion of the lands was an afterthought attempt on behalf of some developer and the Commissioner, BDA obliged them, but the endorsement was not backed by any resolution of the Board of BDA. The request submitted by the THDCL pursuant to the

liberty given by the Division Bench, for deletion of the lands in question came to be rejected by the BDA as per the Resolution dated 31.05.2006 and thus, the acquisition of the lands in question stood confirmed and BDA ought to have proceeded to form layout. But the Commissioner, BDA without any resolution decided to issue endorsement for deletion of the lands in question. After the request of the THDCL for deletion came to be rejected, BDA had no authority to treat the lands in question from the acquisition process on the request of the owners. The Committee, therefore, rightly opined that the question for deletion of the lands in question was in utter disregard and contrary to the decision of the Division Bench.

28. The Committee in its detailed finding held that the deletion of the lands in question from the acquisition process was in utter disregard and violation of the judgment of the Division Bench by the then Commissioner of the BDA by issuing endorsement dated 28.10.2013. Without the matter of deletion of lands in question having been placed before the Board of BDA and the matter was fit for recommending for a high level inquiry into the acts of the then Commissioner of BDA in

deleting substantive extent of lands from the acquisition process and thereby jeopardizing the right and interest not only of the BDA but also the hundreds of allottees of sites from the BDA.

29. The Committee made the following recommendations:

RECOMMENDATION OF THE COMMITTEE

(i) The suo moto exercise undertaken by the then Commissioner of BDA for deletion of the lands in question viz., Sy.No.17/1 measuring 10 acres 26 guntas, Sy.No.18 measuring 07 acres 14 guntas, Sy.No.19 measuring 02 acres 21 guntas, Sy.No.20 measuring 04 acres 05 guntas and Sy.No.26 measuring 02 acres 11 guntas of Hennur Village, vide endorsements dated 28.10.2013 signed by the Commissioner, BDA, being contrary to the judgment of the Division Bench and not in accordance with the decision of Division Bench, stand quashed, as held at paragraph-91(xx)(1) under the common order dated 27.09.2021 passed in W.P. No.51929/2014 and connected Petitions.

(ii) In view of the above, the deleted lands in question stand restored to BDA for the purpose of formation of sites in Arkavathi Layout for allotment to the Applicants in waiting. BDA to take necessary steps to take over the lands and form Layout of sites. The sites so formed be reserved for allotment as alternate sites to the allottees of sites in Arkavathi Layout, whose allotment got disturbed on account of subsequent deletion under re-do exercise/de-notification of the lands;

(iii) BDA to take steps to execute absolute sale deeds in favour of such of the allottees of sites in the lands, in question who express willingness to continue with such allotment. In the event of any of

the allottees of sites in the lands in question express their unwillingness to continue with the allotment of sites in the lands in question and request for allotment of alternate sites, such of the allottees be allotted alternate sites preferably in Arkavathi Layout, if sites are available, otherwise in any other Layout being developed by BDA and thereafter execute absolute sale deeds in respect of such alternate sites;

(iv) BDA to complete the process of execution of absolute sale deeds and/or allotment of alternate sites as the case may be within a period of 90 days from the date of receipt of this Report and submit a compliance report within 15 days thereafter.

(v) BDA to hold a High-level inquiry against the then Commissioner of BDA, Sri T. Shyam Bhat, for his suo-moto acts deleting the lands in question from acquisition process in utter disregard and in violation of the judgment of Division Bench, by issuing endorsements dt.28.10.2013 and recommend to State Government to take appropriate action against him in that regard. to

Forward this report to BDA for needful action."

30. This recommendation of the Committee was challenged before this Court by filing the writ petition and this Court by the detailed judgment dated 12.12.2025 dismissed the writ petition. Paragraphs 29 to 31 of the judgment are extracted hereunder:

29. Therefore, deletion of the lands of the petitioners in the Notification dated 18.06.2014 was not final, and the Committee had the mandate to examine various aspects of deletion/denotification of the lands from

the Final Notification. It may be reiterated that the petitioners had never challenged the land acquisition proceedings and in fact they had filed memo stating that they had 'No Objection' for the acquisition of their lands and they had demanded passing of the award and payment of compensation, they had said, that they had already handed over the possession of their lands. Therefore, their application was not maintainable and they had no right to make representation thereafter, for deletion of their lands from acquisition proceedings.

30. As discussed above, it was M/s. THDCL which was given opportunity to make representation and their representation came to be rejected as stated above. No opportunity was given to the petitioners to make the representation, in view of the fact that they had 'No Objection' for the acquisition of their lands. The judgment of the Division Bench had never been challenged by the petitioners, and it had attained finality.

31. Therefore, we are of the considered view, that the petitioners' land could not have been rescued from the land acquisition proceedings, in view of the facts and

*circumstances stated by the Committee in its report dated 20.05.2024 in proceedings bearing KNKC No.169/2022, 170/2022, 171/2022, 172/2022 and 176/2022, issued by the 2nd respondent. Accordingly, we **dismiss** this writ petition.*

No order as to costs.

FINDING:-

31. Sri Udaya Holla, learned Senior Counsel has submitted that the petitioners were not barred from making a fresh representation in view of the judgment of **Bondu Ramaswamy's** case (supra) and therefore, the findings recorded by this Court in the impugned judgment under review, that only THDCL was given an opportunity to make representation and once the THDCL representation came to be rejected for deletion of the land and the THDCL has not challenged the endorsement dated 15.06.2006. The petitioner would not have the right to make a fresh representation, is not correct.

32. We have considered this aspect in the judgment in question quite elaborately. The Committee has also elaborately dealt with this aspect. We do not find that there is any error apparent on the face of the record

in the judgment requiring a review. We find no merit in this review petition and therefore, the same is **dismissed.**

In W.P.No.38780/2025

33. The present petition has been filed seeking following reliefs:

"a. To issue writ of certiorari, any other appropriate writ, or order or direction quashing impugned order (Annexure-G) dated 20.05.2024, in proceedings bearing KNKC No.169/2022, 170/2022, 171/2022, 172/2022 and 176/2022, issued by the 2nd respondent and grant such reliefs this Hon'ble Court may be deem fit in the facts and circumstances of this case.

b. Declare that the schedule property has been dropped from acquisition in the light of the judgment passed by this Hon'ble Court in W.A.No.2757/2005 & W.A. No.2624/2005 and the Hon'ble Supreme Court in the case of Bondu Ramaswamy and others V/s Bangalore development authority and other (2010(7) SCC 129) and as per the notification dated 18.06.2014 bearing No. UDD 426/2011.

c. Consequently declare that the order dated 12.12.2025 passed by this Hon'ble Court in W.P.No.16139/2024 is not binding on the petitioners herein."

34. The petitioners' claim to have purchased the land in question in the year 2023. Once we have held that the claim of the owners for deletion of their land from the acquisition proceedings is not maintainable, the

subsequent purchasers cannot get a better right and therefore, we find no merit in this writ petition. The writ petition is accordingly dismissed.

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

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

**Sd/-
(TARA VITASTA GANJU)
JUDGE**